

# **Circular 1/2024: Householder Permitted Development Rights**

**May 2024**

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## 1. Introduction

- 1.1 The purpose of this document is to provide guidance on householder permitted development rights (PDR). It explains what works people can carry out to alter or improve their home without an application for planning permission. It updates and replaces previous guidance contained in Scottish Government Circular 1/2012.
- 1.2 PDR refer to those forms of development which are granted planning permission through legislation, meaning they can be carried out lawfully without an application for planning permission having to be submitted to (and approved by) the planning authority. In doing so, PDR can provide certainty to householders and save the time and expense associated with applying for planning permission.
- 1.3 The title of the legislation containing PDR is the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 – also known as “the GPDO”. Schedule 1 of the GPDO sets out those developments which are granted planning permission. The GPDO Schedule is organised into a series of separate “classes”. Each class specifies the development for which planning permission is granted.
- 1.4 Most classes of PDR are subject to conditions and limitations. These may, for example, specify the maximum size or scale of what is permitted, and restrict or disapply the rights in certain locations (for example conservation areas or National Scenic Areas). A limited number of classes are subject to a condition requiring the developer to notify the planning authority, and provide certain details, before development is carried out in certain circumstances (see for example section 7 on replacing or altering windows).
- 1.5 Regardless of the PDR any particular development may fall under, all of the limitations and conditions that apply to that class must be met in full, otherwise the development cannot benefit from that PDR.
- 1.6 There are also general conditions in the GPDO which apply across all or a majority of classes. For example, PDR are removed if the proposed development is to create or materially widen a means of access to a trunk road or classified road or creates an obstruction that is likely to causes a hazard for people using the road.
- 1.7 PDR do not apply in relation to a development or use of land or buildings which is itself unlawful. For example, the PDR for development in relation to a dwellinghouse do not apply to a building which is being unlawfully used for residential purposes.
- 1.8 Even if you do not need to apply for planning permission, other approvals may need to be sought – please see section 2.

## 2. General Advice Before Starting Development

- 2.1 Home improvement projects, such as an extension, should be carefully considered. Time spent planning can save money. It can also ensure the work is completed on time and as required. It is the property owner's responsibility to ensure that the relevant statutory requirements are met. If the development fails to comply with the relevant legislation, the owner is liable for any remedial action (which could go as far as demolition and restoration).

### Things to Check

#### Restrictions on PDR in certain locations

- 2.2 As noted in paragraph 1.4, most PDR are subject to conditions and limitations. In some cases PDR are disapplied (or limited) in specific locations such as conservation areas, World Heritage Sites, National Scenic Areas and National Parks. If you live in such an area, you therefore might need to apply for planning permission for works that would otherwise be covered by PDR. This document indicates where certain PDR classes are restricted in specific locations but if you are in any doubt you should check with the planning authority.

#### Prior approval

- 2.3 A small number of PDR are subject to a process known as “prior notification and prior approval.” Under this process, a person wishing to carry out development must notify the planning authority, provide details of the proposal and pay the relevant fee. The planning authority then has an opportunity to indicate whether specific aspects of the development are acceptable. The planning authority’s determination is limited to the particular matters specified in the relevant PDR class – for example, siting, design or appearance. In this sense, the process is lighter touch than applications for planning permission because a narrower range of considerations can be taken into account. This is relevant if you are intending to:
- Install a free-standing wind turbine in the curtilage of a dwellinghouse (see section 6).
  - Replace or alter the windows of your home and it is located in a conservation area (see section 7).

#### Other consents

- 2.4 Even if your proposed works are covered by PDR, consents or approvals under other legislation may be required. For example:
- Building standards: proposed works may require a building warrant before work can start. Under the building standards system a building warrant gives permission to build; it confirms that the design has been shown to meet the building regulations. You should consult your local authority if in doubt. Please see [separate guidance on building standards](#).

- Listed buildings: listed building consent may be required if you live in a listed building.
- Scheduled monuments: consent is required for certain works to or affecting a scheduled monument. Work proposed in or near a scheduled archaeological site should be planned to avoid direct impact on the monument and impacts on its setting minimised, where sites are not scheduled certain precautions may be required.

2.5 If you are in doubt about other consents that may be required for your proposed development project, it is worth checking with your planning authority. [Historic Environment Scotland's website](#) provides information and guidance that may be helpful if you are planning to alter a historic building or scheduled monument.

#### Restrictions on the land

2.6 There may be restrictions on the land, which limit the type of works that can be lawfully carried out there. For example, an "Article 4 Direction" (which removes PDR in specific locations), legal title or rights of way. You may wish to consult a professional such as a planning consultant or solicitor. Your planning authority will be able to tell you if an Article 4 Direction covers your property.

2.7 It is also worth checking the planning history of the land: planning permission granted in the past may have a condition or other restriction prohibiting the kind of work proposed.

#### Other organisations

2.8 Depending on the nature and location of the proposed works, it may be helpful to contact:

- [Scottish Water](#) to ascertain whether any proposed development is over or adjacent to existing underground pressurised water mains where access is required.
- [The Coal Authority](#) where properties are situated within former coal mining areas.
- [NatureScot](#) where protected species and habitats are affected.

### 3. Main Concepts

#### Overview

3.1 This section explains in detail the concepts that are fundamental to interpreting and applying PDR. These concepts are:

- “**Principal elevation**” is used to identify the front of the dwellinghouse.
- “**Fronting a road**” is a way of determining if the principal elevation, or side elevation, is in the public domain.
- “**Front and rear curtilage**” is a way of defining the area of land used for the comfortable enjoyment of the dwellinghouse.
- “**Site coverage**” is used to control the overall amount of ground covered by development.
- “**Original or existing dwellinghouse**”. The original dwellinghouse is the dwellinghouse as built or as it was on 1 July 1948 if it was built before then. The existing dwellinghouse is the house immediately before carrying out the proposed development.
- “**Height and ground level**”. How the height of development is measured.

3.2 Each of these is explained in more detail in this section of the document.



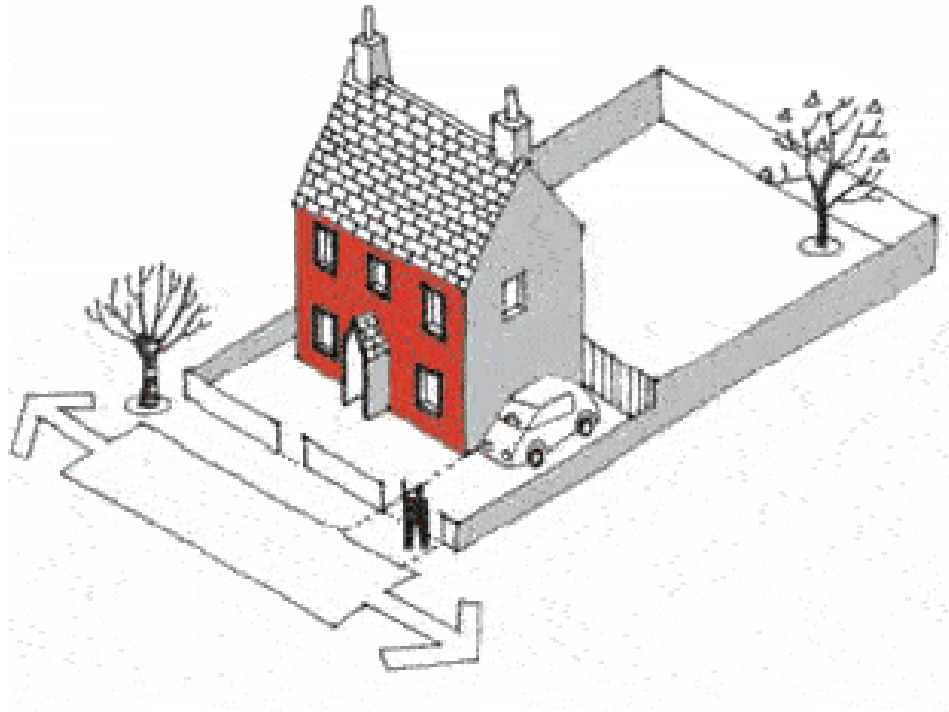
## Principal Elevation

- 3.3 The term principal elevation is used to identify the "front" of a dwellinghouse. Whilst there are exceptions, most dwellinghouses are designed so that the "front" of the dwellinghouse faces a road.
- 3.4 Having established the principal elevation, the rear elevation will be the elevation opposite the principal elevation. Side elevations will link the principal and rear elevation.

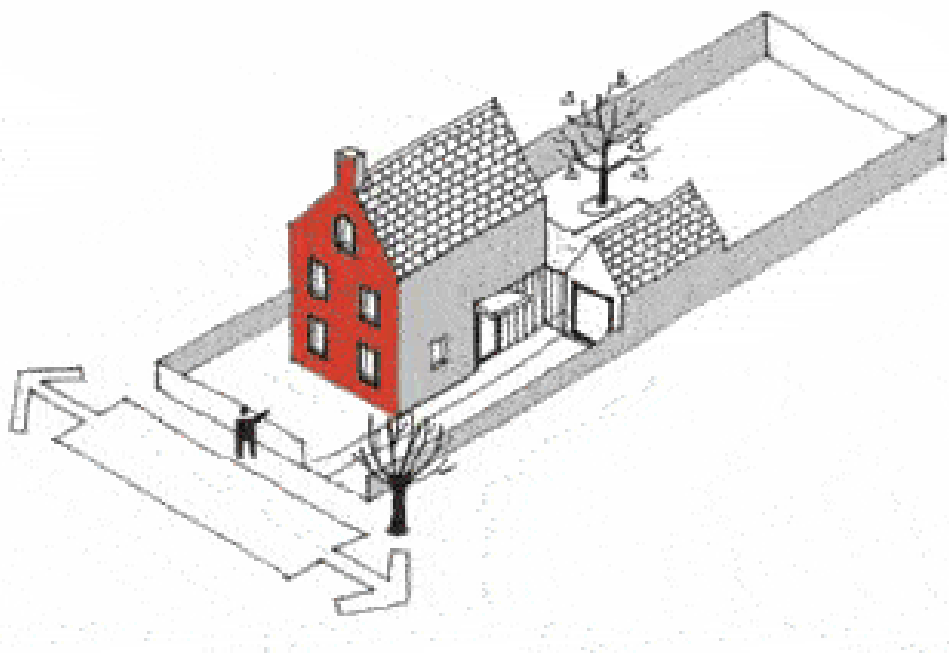
### Definition

- 3.5 The principal elevation is a reference to the elevation of the original dwellinghouse which by virtue of its design or setting, or both, is the principal elevation. Where it is not immediately obvious, a combination of the following factors should be used to identify the principal elevation:
- location of main door
  - windows
  - relationship to road
  - boundary treatment
  - architectural ornamentation
- 3.6 It is unlikely that any single factor will be decisive. The identification of the principal elevation should not be used to control development. There can only be one principal elevation. It is based on the design of the original dwellinghouse.
- 3.7 Figures 1 to 4 illustrate how the principal elevation can be identified in a variety of common situations.

- 3.8 **Figure 1:** In this example the principal elevation is the elevation that fronts the road. It has the main door and is the obvious orientation of the dwellinghouse. The side elevation has fewer windows and has a shorter length. The rear area is more private with a higher fence.

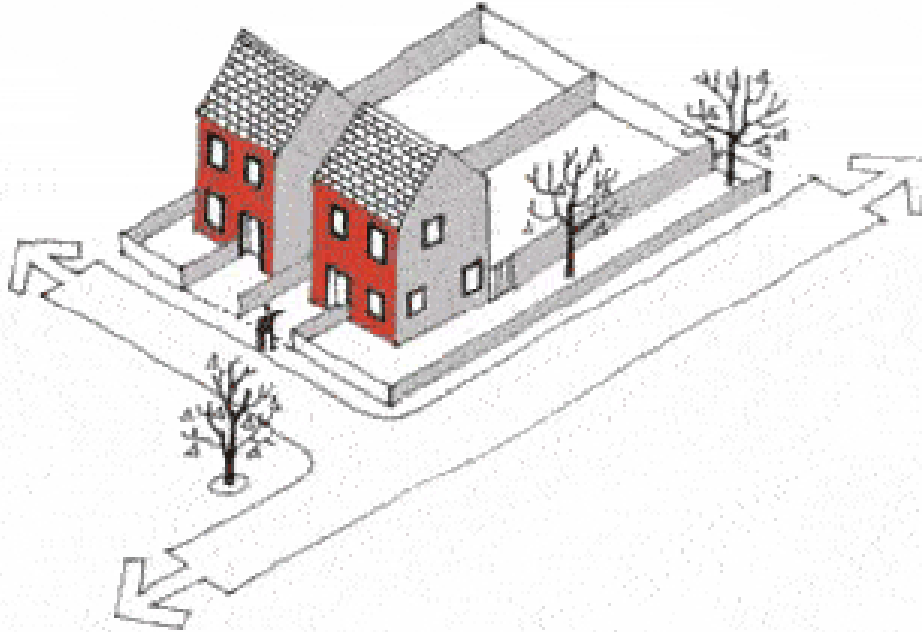


- 3.9 **Figure 2:** In this example the side elevation has the main door and a longer length, it has only a secondary window. The windows in the principal elevation show the main orientation of the dwellinghouse and it fronts the road. The boundary treatment indicates a more private rear area.

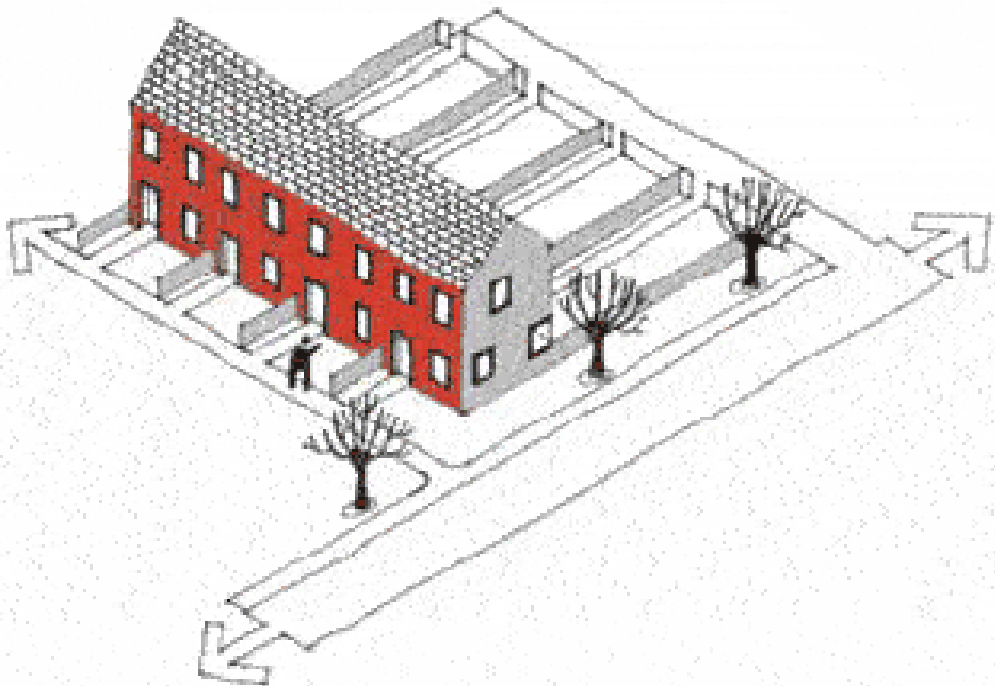




3.10 **Figure 3:** In this example the dwellinghouse on the corner plot will face two roads. However, the principal elevation has the main door and fronts the same road as the adjacent dwellinghouse. Opposite the principal elevation is the private rear area. The side elevation - although fronting a road and having windows - does not reflect the main orientation of the dwellinghouse.



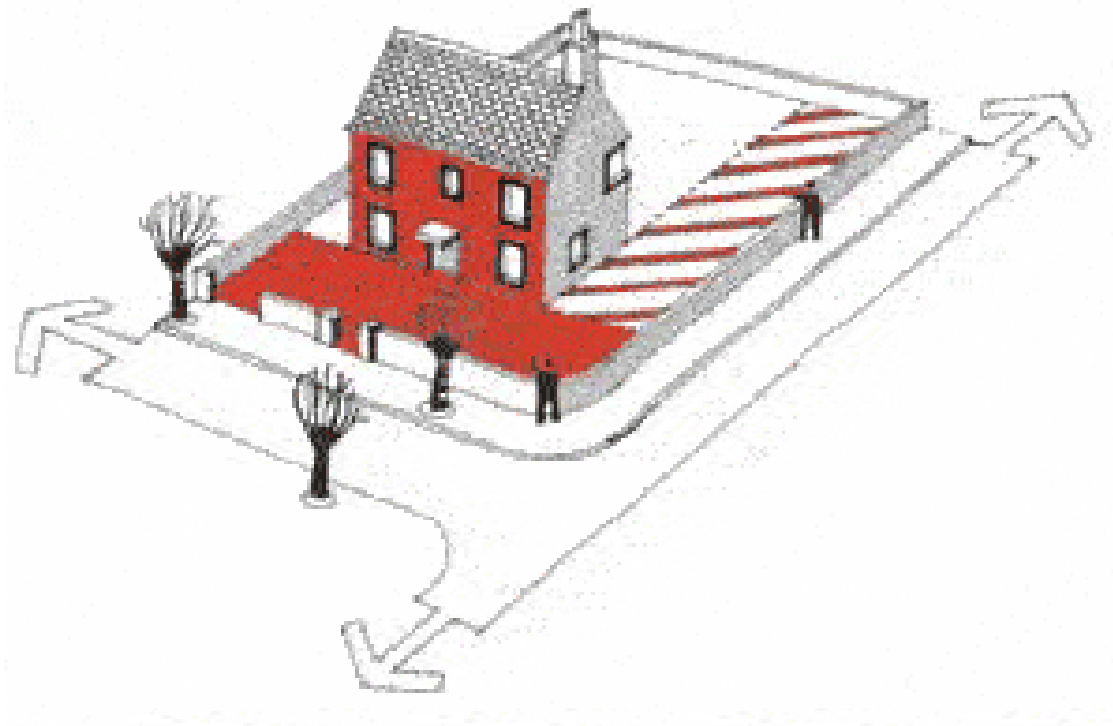
3.11 **Figure 4:** In this example of a Radburn-type layout the principal and rear elevations could be identical. However, the overall setting and boundary treatment indicates which elevation would be understood as the "front" and "rear". The side elevation has windows and faces a road but is not the principal elevation.



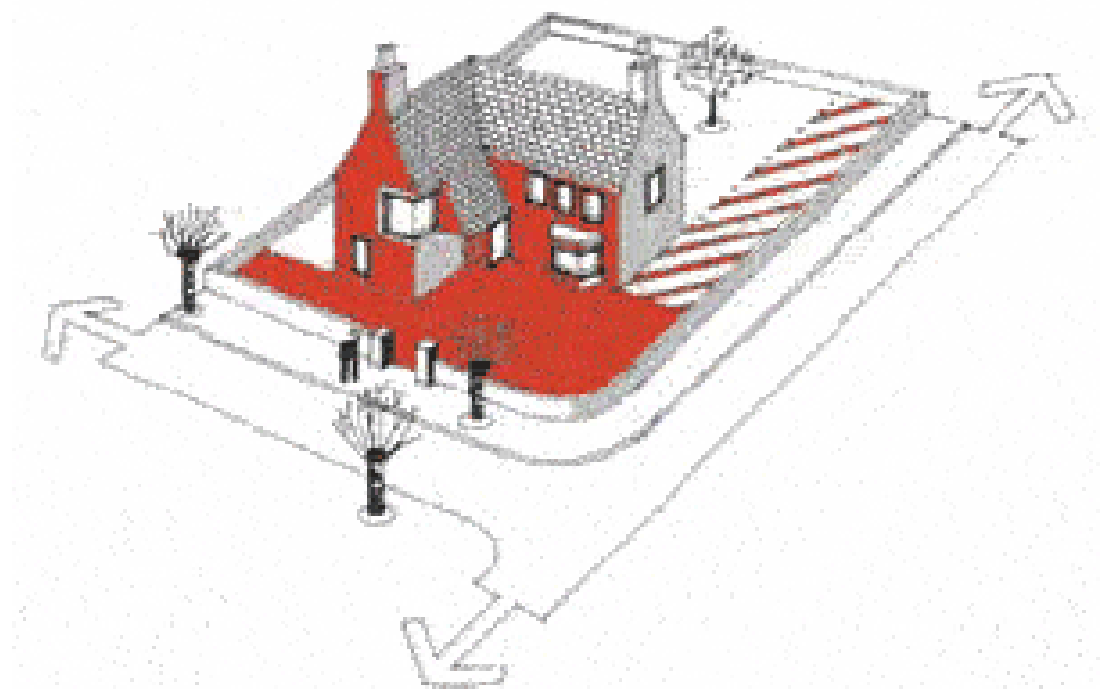
### Fronting a Road

- 3.12 It is important to determine the relationship of the principal and side elevation to a road. In the context of the householder PDR, "Fronts" means facing onto a road and applies to both the principal and side elevation. It is determined by a number of factors including the angle of the dwellinghouse to the road, the distance between the dwellinghouse and the road and the size of any intervening land.
- 3.13 Fronting is used in a number of classes as a way of restricting PDR. Development is often not permitted if "any part of the development would be forward of a wall forming part of the principal elevation or side elevation...".
- 3.14 As illustrated in figures 5 and 6, an imaginary line can be drawn that extends from the principal elevation or side elevation to the boundary, this is the land forward of the principal elevation or side elevation.

**Figure 5**

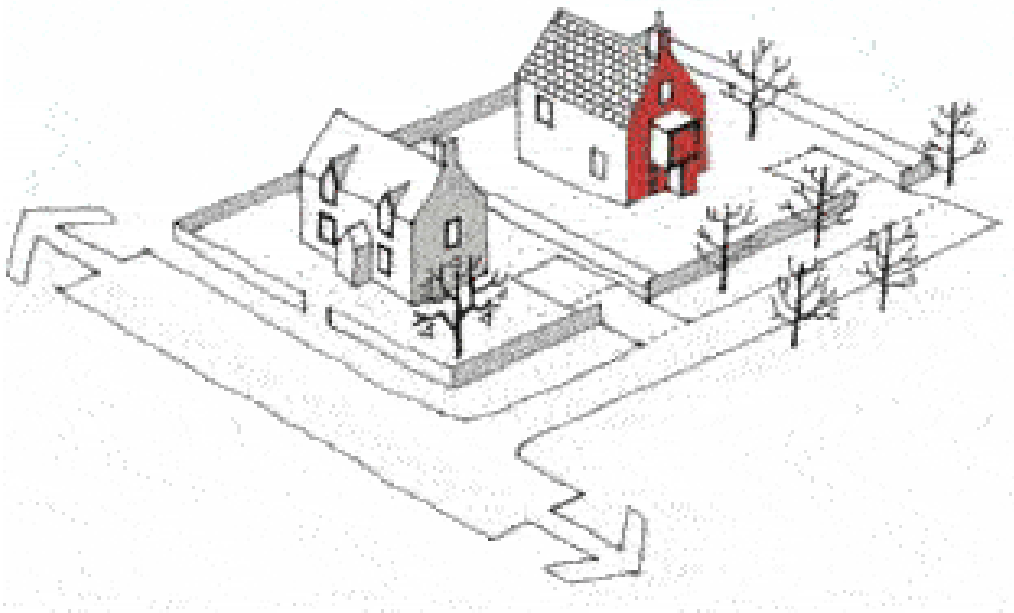


**Figure 6**

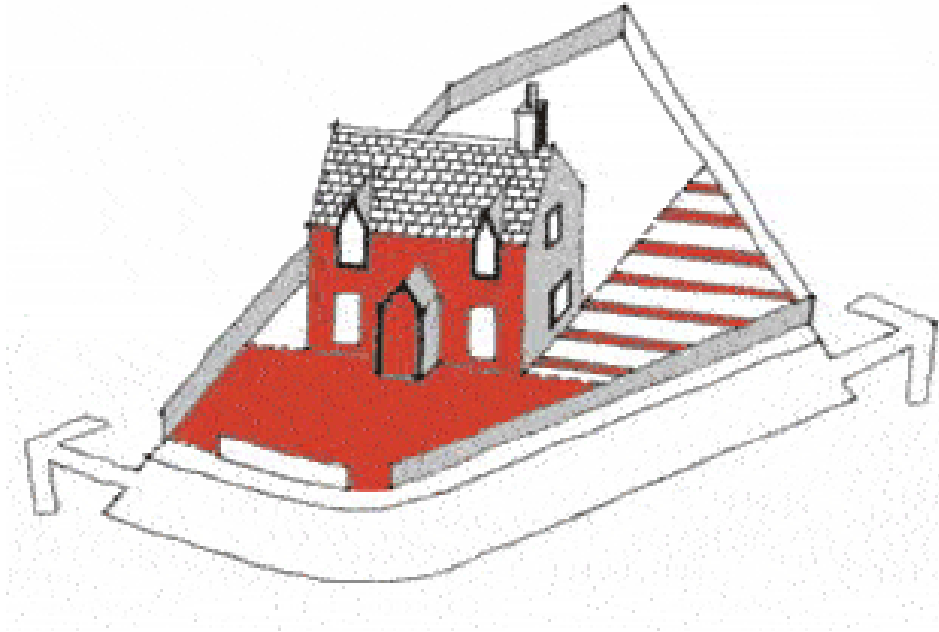


3.15 Whilst figures 5 and 6, illustrate this concept in common circumstances, there will be situations where neither the principal nor the side elevation front a road. In such cases, development forward of a wall forming part of the principal elevation or side elevation may be permitted development subject to compliance with other criteria in any given class. Figures 7 to 11 illustrate situations where the principal elevation may not front a road.

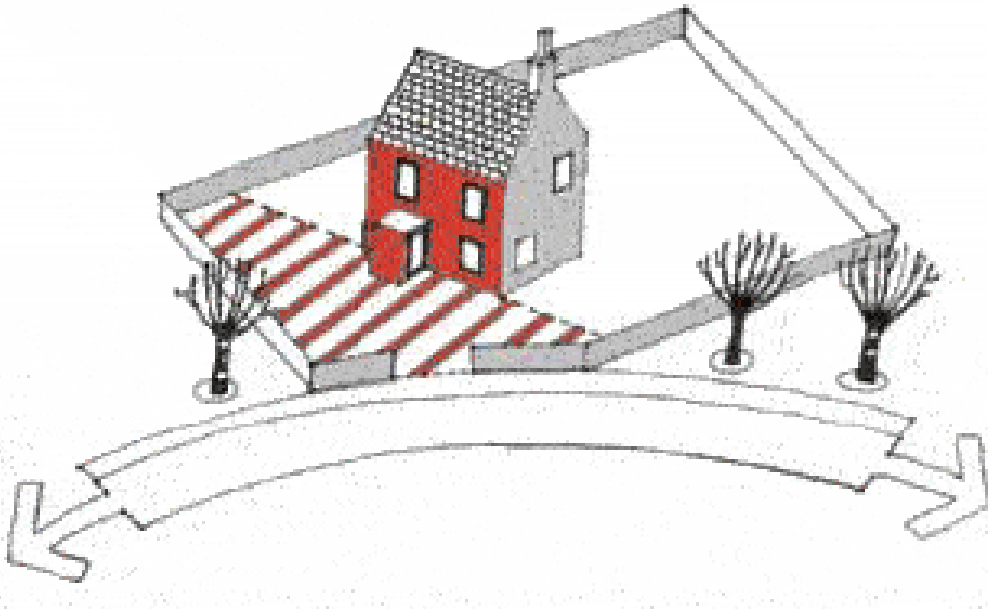
3.16 **Figure 7:** Where there is no road. In this example, development would be permitted within any part of the curtilage of the dwellinghouse at the top of the diagram as long as it meets the site coverage, distance from boundary, height restrictions any other relevant restrictions for the type of development.



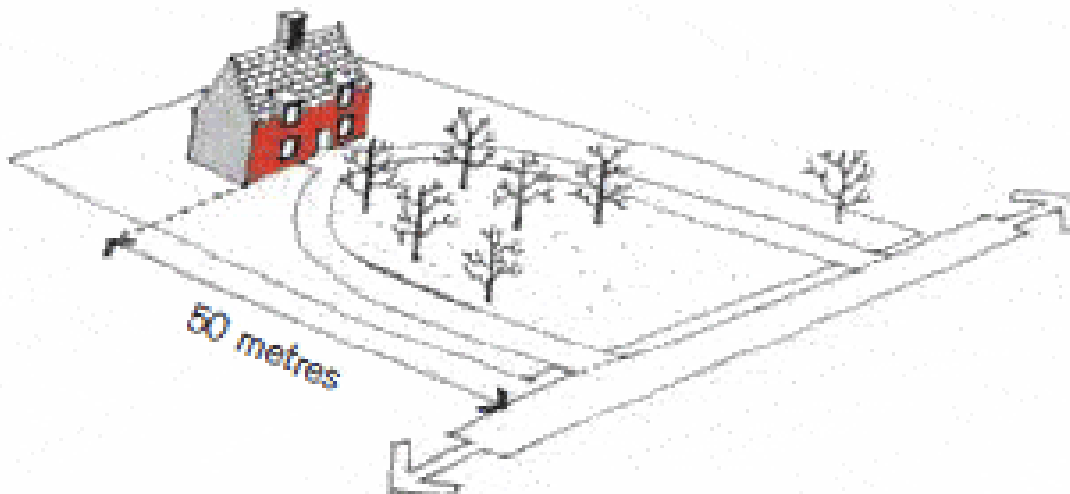
3.17 **Figure 8:** Where the dwellinghouse is sited at an angle. If an elevation is sited at an acute angle to a road, it may not be considered to front a road. In this illustration the dwellinghouse is judged to front a road. Any extension within the shaded areas would require an application for planning permission to the planning authority.



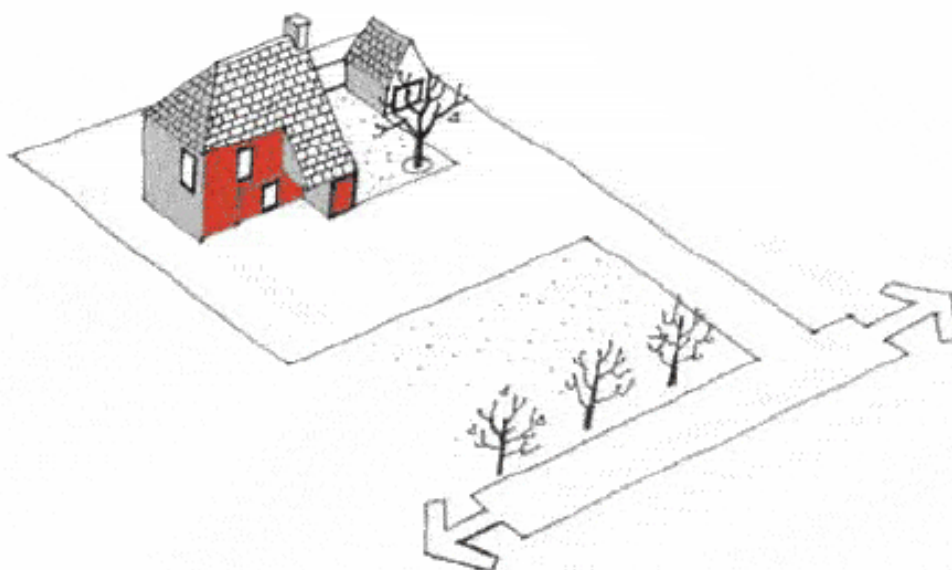
3.18 **Figure 9:** As the road bends, the side elevation no longer fronts the road. Any extension within the hatched areas would require an application for planning permission to the planning authority.



3.19 **Figure 10:** Within 20 metres of a road it is considered unlikely that any elevation could be argued to be too far from a road so that it no longer fronts a road. Beyond 30 metres from a road, it is increasingly likely that an elevation no longer fronts a road. For distances in between, a judgement would have to be made depending on fact and degree. This will involve considering factors such as topography, landscaping and layout of any adjacent properties. In this example, any developments would be permitted within the curtilage of the development as long as it meets the site coverage, distance from boundary, height restrictions and any other relevant restrictions for the type of development.

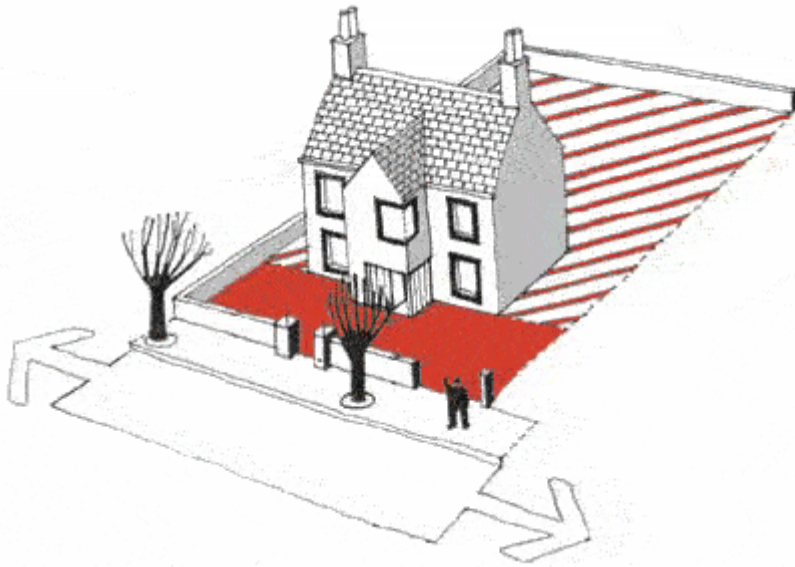


3.20 **Figure 11:** If there is intervening land between the curtilage of a dwellinghouse and a road, it could no longer be argued as fronting the road. In this example, any development would be permitted within the curtilage of the development as long as it meets the site coverage, distance from boundary, height restrictions and any other relevant restrictions for the type of development.



### Front and Rear Curtilages

3.21 Once the principal elevation has been identified, the front and rear curtilages can be defined. The front curtilage is all the land forward of the principal elevation. The rear curtilage is the remainder of the curtilage of the original dwellinghouse. This may not reflect any physical division, like fences, that may exist.



## Site Coverage

3.22 The size of any proposed extension, shed or other building must be such that the total area undeveloped is at least half of the rear or front curtilage. This is explained in figure 12 below. In most circumstances, the limitation will only relate to the rear curtilage. Where the principal or side elevation does not front onto a road, the limitation could also apply to the front curtilage.

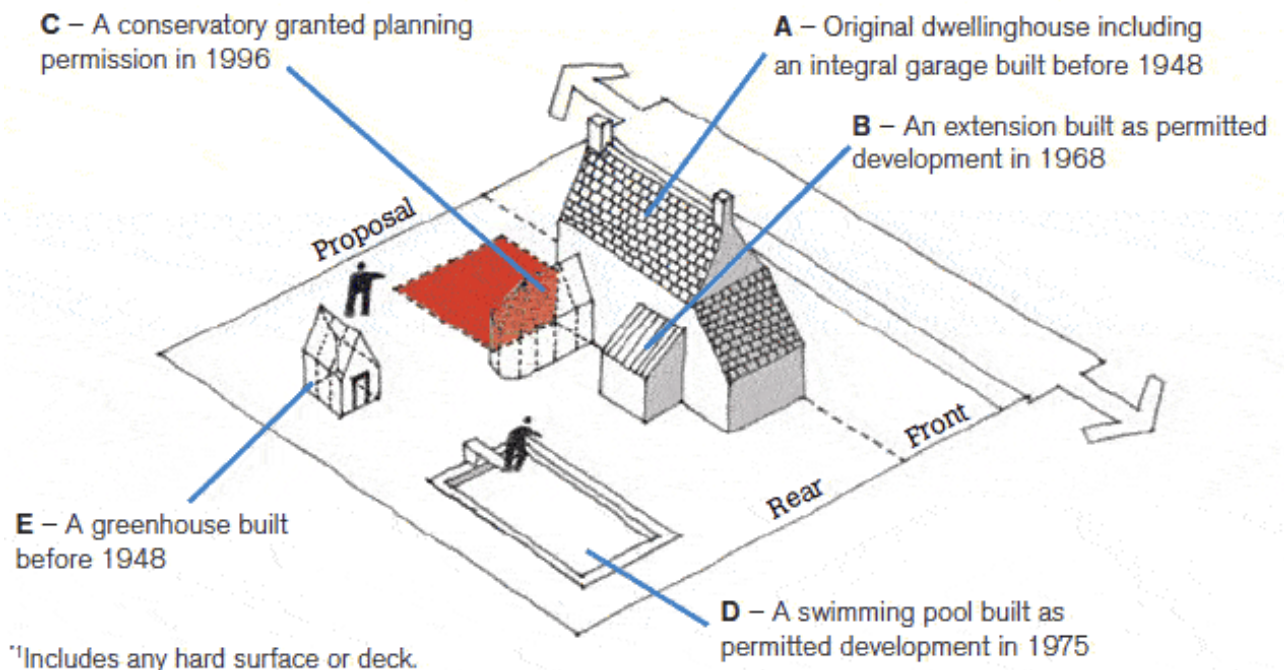
3.23 There is also a restriction to ensure that the total area covered by all extensions (including previous extensions) is not greater than the area covered by the original dwellinghouse.

3.24 Figure 12: Calculating Site Coverage. In this example the total developed area comprises: the extension (B); conservatory (C) and swimming pool (D) since these developments occurred since 1948, together with the greenhouse (E) as it was not attached to the original dwellinghouse.

3.25 Therefore, in this example:

$$\% \text{ of site coverage} = \frac{\text{Area of B} + \text{C} + \text{D} + \text{E} + \text{Proposal}}{\text{Area of rear curtilage minus A}^1} \times 100$$

If the site coverage will be more than 50% of the rear curtilage in this example, planning permission is required.

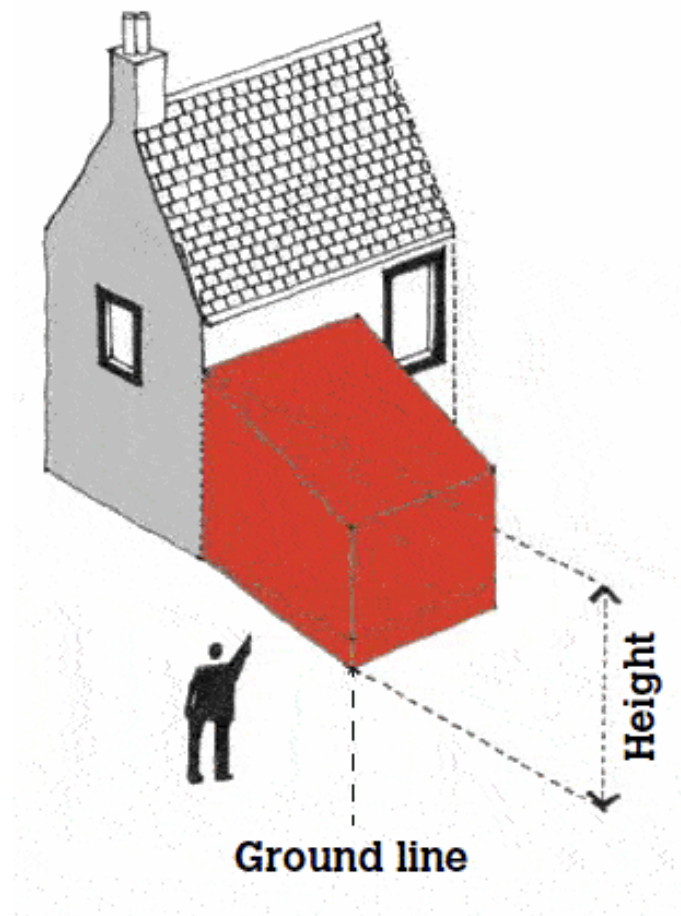


### Original or Existing Dwellinghouse

- 3.26 It is important to differentiate between the original dwellinghouse and the existing dwellinghouse.
- 3.27 The **original dwellinghouse** is the dwellinghouse as built or as it was on 1 July 1948 if it was built before then. The **existing dwellinghouse** is the dwellinghouse immediately before carrying out the development proposal that is being assessed. It does not include any outbuildings, even where they were built at the same time as the original dwellinghouse.

### Heights and Ground Levels

- 3.28 For the purposes of Classes 1A to 3E of the GPDO, the height of the development is measured from the lowest part of the surface of the ground adjacent to the building or structure.
- 3.29 In all other instances the height of the building or structure is calculated from the highest part of the surface of the ground immediately adjacent to the building or structure.
- 3.30 The ground is the natural ground and would not include any addition laid on top of the natural ground.





## 4. Making changes to a dwellinghouse

- 4.1 This section explains the PDR for “dwellinghouses”. In this context, a dwellinghouse means a residential property, not including a building containing one or more flats, or a flat contained within such a building. The term ‘dwellinghouse’ covers detached, semi-detached or terraced houses. PDR for flats is explained in section 5.
- 4.2 This section covers various types of development and is structured as follows:

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### 4.1 Enlarging a dwellinghouse

- Single storey ground floor extensions (Class 1A)
- Ground floor extensions of more than one storey (Class 1B)
- Porches (Class 1C)
- Roof enlargements (Class 1D)

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### 4.2 Improvements, additions or other alterations that are not enlargements

- Access ramps (Class 2A)
- Improvements or alterations within a “1 metre bubble” (Class 2B)

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### 4.3 Development within the curtilage of a dwellinghouse

- Ancillary buildings such as sheds, garages, greenhouses (Class 3A)
  - Storage buildings of limited dimensions e.g. bike sheds (Class 3AA)
  - Building, engineering, installation or other operations (Class 3B)
  - Hard surfaces (Class 3C)
  - Decking (Class 3D)
  - Gates, fences and walls (Class 3E)
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## 4.1 Enlarging a dwellinghouse

- 4.3 It is important to understand the definition of enlargement. Enlargement is defined as any development that increases the internal volume of the original dwellinghouse and includes a canopy or roof, with or without walls, which is attached to the dwellinghouse, but does not include a balcony. Therefore, a car-port is an enlargement but a balcony is not.
- 4.4 There are many types of enlargements to dwellinghouses. Section 4.1 of this guidance covers:
- Single storey ground floor extensions (Class 1A)
  - Ground floor extensions of more than one storey (Class 1B)
  - Porches (Class 1C)
  - Roof enlargements (Class 1D)

### Single storey ground floor extensions (Class 1A)

#### Summary

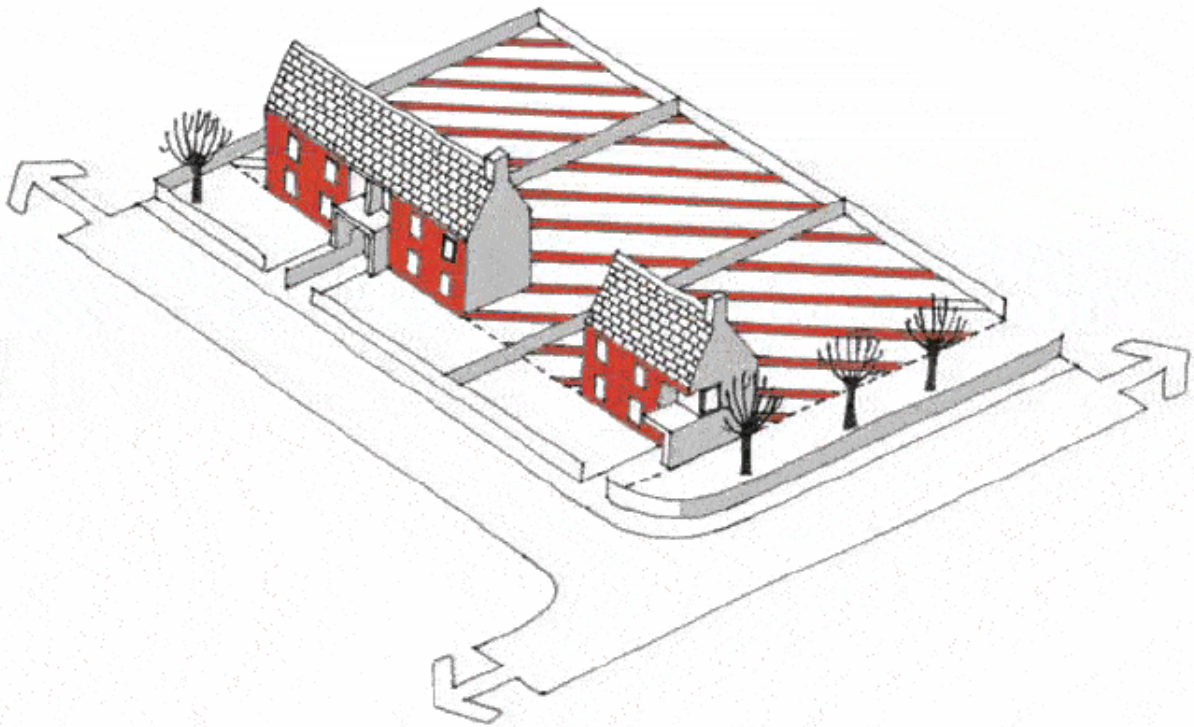
- 4.5 This is the most common type of enlargement to a dwellinghouse. Class 1A PDR allow the enlargement of a dwellinghouse by a single storey ground floor extension. The PDR allow any alteration to the roof required for the purpose of the enlargement. In summary, the effect of the limitations is that:
- extensions are generally located to the rear.
  - if the extension is on, or within 1 metre of the boundary, it **cannot** project, from the rear wall of the existing dwellinghouse, by more than 3 metres in the case of terraced house, or 4 metres in all other cases.
  - the height of the eaves is a maximum of 3 metres.
  - the height of the extension is not higher than 4 metres.
  - the footprint of the extension is no larger than the original dwellinghouse or covering more than half the relevant (front or rear) curtilage – please see paragraphs 3.22 to 3.25).
- 4.6 Where the conditions and limits set out in Class 1A would not be complied with, an application for planning permission would be required.
- 4.7 There are no PDR for single storey ground floor extensions in conservation areas or for flats. Nor are there any PDR for ground floor extensions for a dwellinghouse created by Class 18B or 22A (i.e. conversion of agricultural or forestry building). Listed building consent will normally be required if your building is listed.
- 4.8 A building warrant from the local authority will likely be required for this type of extension, as explained in section 2.



4.9 Roof alterations relating to the extension are also permitted. Other roof alterations should be carried out using the other relevant permitted development classes.

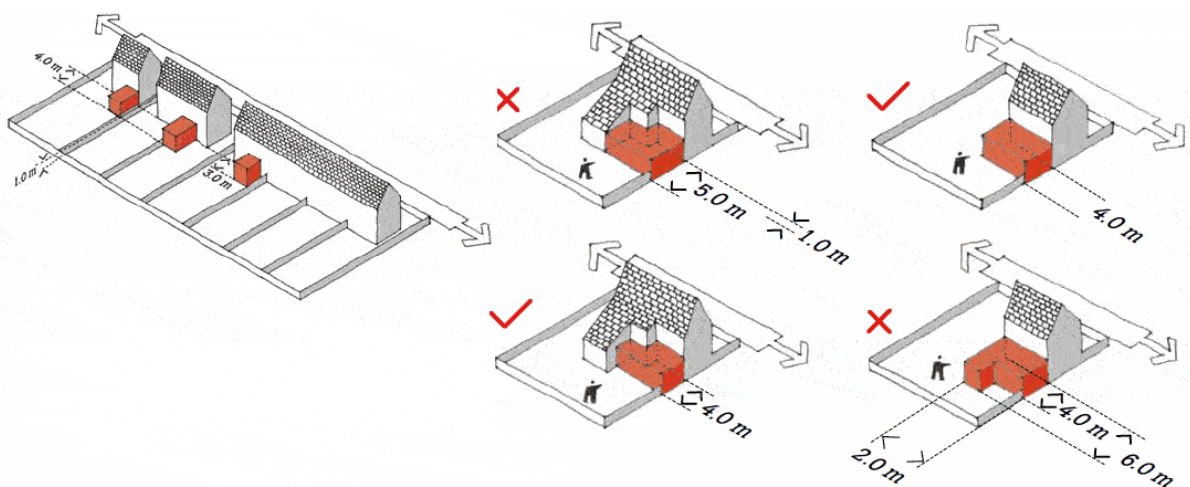
4.10 The extension **cannot** be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the principal elevation and side elevations are discussed in section 3 of this guidance, as is the concept of fronting a road. This is illustrated in figure 13.

4.11 **Figure 13:** The shaded areas of the curtilage indicate where a single storey extension is permitted as long as the other limitations are met.

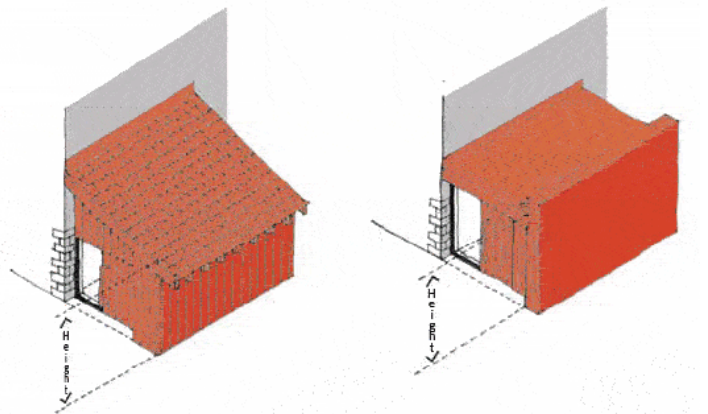
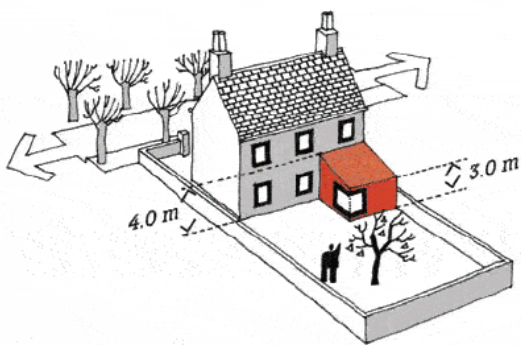


4.12 If any part of the extension is within 1 metre of the boundary of the curtilage, then for a terraced house it can only project from the line of the rear elevation nearest to the boundary by up to 3 metres or 4 metres in any other case.

4.13 This restriction does not apply to a side extension that does not project beyond the line of the rear elevation. For example, if a side extension does extend beyond the line of the rear wall [and is within 1 metre of the rear wall] and is within 1 metre of the boundary, then it cannot project from the rear wall nearest the boundary by more than 3 metres if a terraced house or 4 metres in any other case.



- 4.14 The overall height of an extension can have a significant impact on neighbours. The eaves of the extension **cannot** be higher than 3 metres. The overall height of the extension **cannot** exceed 4 metres.
- 4.15 When measuring the height of the extension on sloping, or uneven ground, the height should be measured from the lowest point immediately adjacent to the extension.
- 4.16 The area covered by all extensions, including any existing and the proposed extension, cannot be greater than the footprint of the original dwellinghouse. This is to ensure that the extension (including previous extensions) is in proportion to the original dwellinghouse.
- 4.17 The proposed extension (including previous extensions) and existing developments cannot exceed half of the of the rear (or front if appropriate) curtilage of the original dwellinghouse. This is explained further in section 3 of this guidance.
- 4.18 There are no Class 1A PDR in a conservation area or for flats or for dwellinghouses created by Class 18B or 22A (i.e. conversion of an agricultural or forestry building). Listed building consent is required if the proposed extension affects the character of a listed building.
- 4.19 Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available on [Historic Environment Scotland's website](#).



## Legislation

### Class 1A.-

(1) Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

Development is not permitted by this class if-

(za) the dwellinghouse is a dwelling by virtue of a change of use permitted under Class 18B or 22A;

(a) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;

(b) any part of the development would be within 1 metre of the boundary of the curtilage of the dwellinghouse and it would extend beyond the line of the wall forming part of the rear elevation that is nearest that boundary by more than—

(i) 3 metres in the case of a terrace house; or

(ii) 4 metres in any other case;

(c) the height of the eaves of the development would exceed 3 metres;

(d) any part of the development would exceed 4 metres in height;

(e) as a result of the development the area of ground covered by the resulting dwellinghouse would be more than twice the area of ground covered by the original dwellinghouse;

(f) as a result of the development the area of ground covered by development within the front or rear curtilage of the dwellinghouse (excluding the original dwellinghouse and any hard surface or deck) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original dwellinghouse and any hard surface or deck); or

(g) it would be within a conservation area.

## Ground floor extension of more than a one storey (Class 1B)

### Summary

4.20 Permitted development rights in Class 1B allow the enlargement of a dwellinghouse by the way of a ground floor extension consisting of more than one storey. The PDR also allow any alteration to the roof required for the purpose of the enlargement. In summary, the effect of the limitations is that:

- extensions are generally located to the rear
- the distance between the extension and any boundary is a minimum of 10 metres
- the height of the extension is not higher than the existing dwellinghouse
- the footprint of the extension is not larger than the original dwellinghouse or covering more than half the relevant (front or rear) curtilage – please see paragraphs 3.22 to 3.25.

4.21 Where the conditions and limits set out in Class 1B would not be complied with, an application for planning permission would be required.

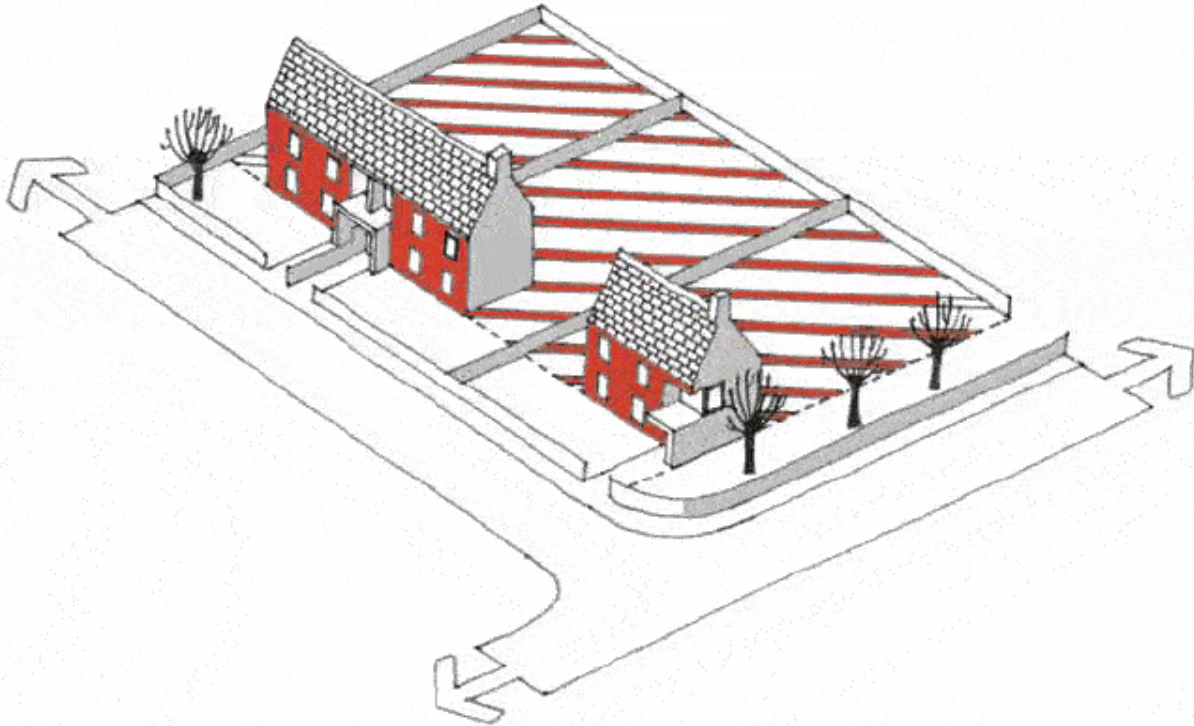
4.22 There are no PDR in conservation areas or for flats. Nor are there any PDR for ground floor extensions for a dwellinghouse created by Class 18B or 22A (i.e. conversion of an agricultural or forestry building). Listed building consent will normally be required if your building is listed.

4.23 A building warrant from the local authority will be required for this type of extension, as explained in section 2.

### Technical Explanation

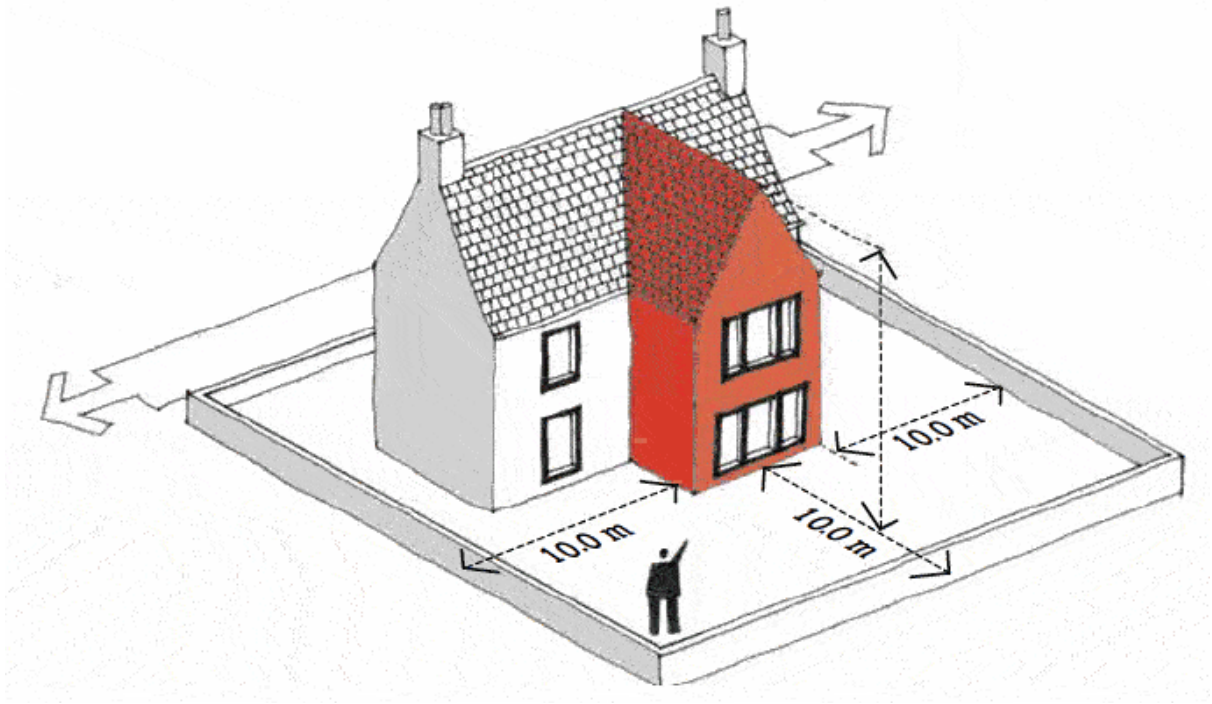
4.24 The extension cannot be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the principal elevation and side elevations are discussed in section 3 of this guidance, as is the concept of fronting a road. This is illustrated in figure 14 below.

4.25 **Figure 14:** The shaded areas of the curtilage indicate where an extension of more than a single storey is permitted as long as the other limitations are met.



- 4.26 1½ storey or 2 storey extensions are more likely to have a visual impact, potentially causing overshadowing or overlooking. No part of the extension can therefore be within 10 metres of any boundary of the curtilage.
- 4.27 The overall height of the extension cannot be higher than the existing roof. This would be the ridge of the roof. Roof alterations relating to the extension are also permitted. Other roof alterations should be carried out using the other relevant classes.
- 4.28 The area covered by all extensions, including any existing and the proposed extension, cannot be greater than the footprint of the original dwellinghouse. This is to ensure that the extension (including previous extensions) is in proportion to the original dwellinghouse.
- 4.29 The proposed extension (including previous extensions) and existing developments cannot exceed half of the rear (or front if appropriate) curtilage of the original dwellinghouse. This is explained further in section 3 of this guidance.
- 4.30 There are no Class 1B PDR in a conservation area or for flats or for dwellinghouses created by Class 18B or 22A (i.e. conversion of an agricultural or forestry building). A listed building consent is required if the proposed extension affects the character of a listed building.
- 4.31 Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available on [Historic Environment Scotland's website](#).





## Legislation

### Class 1B.-

(1) Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Development is not permitted by this class if-

(za) the dwellinghouse is a dwelling by virtue of a change of use permitted under Class 18B or 22A;

(a) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;

(b) any part of the development would be within 10 metres of the boundary of the curtilage of the dwellinghouse;

(c) as a result of the development the height of the dwellinghouse would exceed the height of the existing dwellinghouse, when measured at the highest part of the roof and excluding any chimney;

(d) as a result of the development the area of ground covered by the resulting dwellinghouse would be more than twice the area of ground covered by the original dwellinghouse;

(e) as a result of the development the area of ground covered by development within the front or rear curtilage of the dwellinghouse (excluding the original dwellinghouse and any hard surface or deck) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original dwellinghouse and any hard surface or deck); or

(f) it would be within a conservation area.

## Porches (Class 1C)

4.32 PDR allow the erection, construction or alteration of any porch outside any external door of a dwellinghouse. The limitations are:

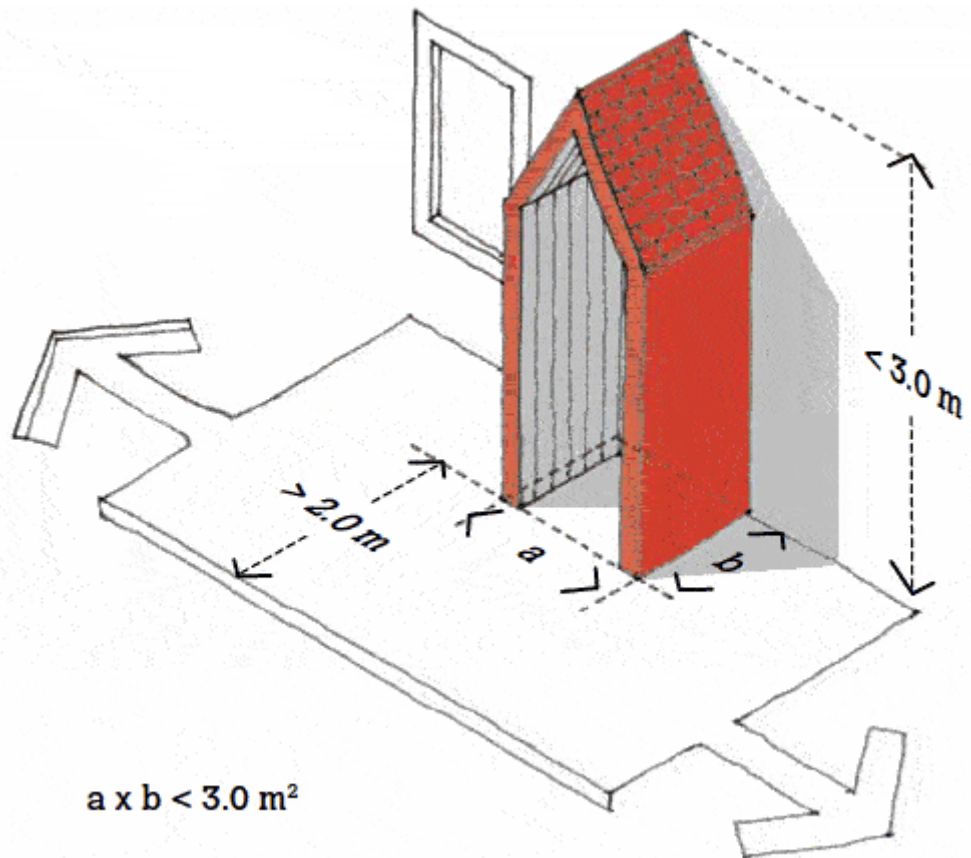
- the porch cannot have a footprint of greater than 3 square metres.
- the minimum distance between the porch and any boundary and a road is more than 2 metres.
- the height of the porch cannot be higher than 3 metres.

4.33 If the porch exceeds any of the above limits, then an application for planning permission is required.

4.34 There are no PDR for porches in a conservation area or for a flat or for dwellinghouses created by Class 18B or 22A (i.e. conversion of an agricultural or forestry building). A listed building consent is required if the proposed extension affects the character of a listed building.

4.35 Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available on [Historic Environment Scotland's website](#).

4.36 A building warrant from the local authority may be required for porches, as explained in section 2.



## Legislation

### Class 1C.-

(1) The erection, construction or alteration of any porch outside any external door of a dwellinghouse.

Development is not permitted by this class if-

(za) the dwellinghouse is a dwelling by virtue of a change of use permitted under Class 18B or 22A;

(a) its footprint would exceed 3 square metres;

(b) any part of it would be within 2 metres of a boundary between the curtilage of the dwellinghouse and a road;

(c) any part of the development would exceed 3 metres in height; or

(d) it would be within a conservation area.

## Enlargement of the roof (Class 1D)

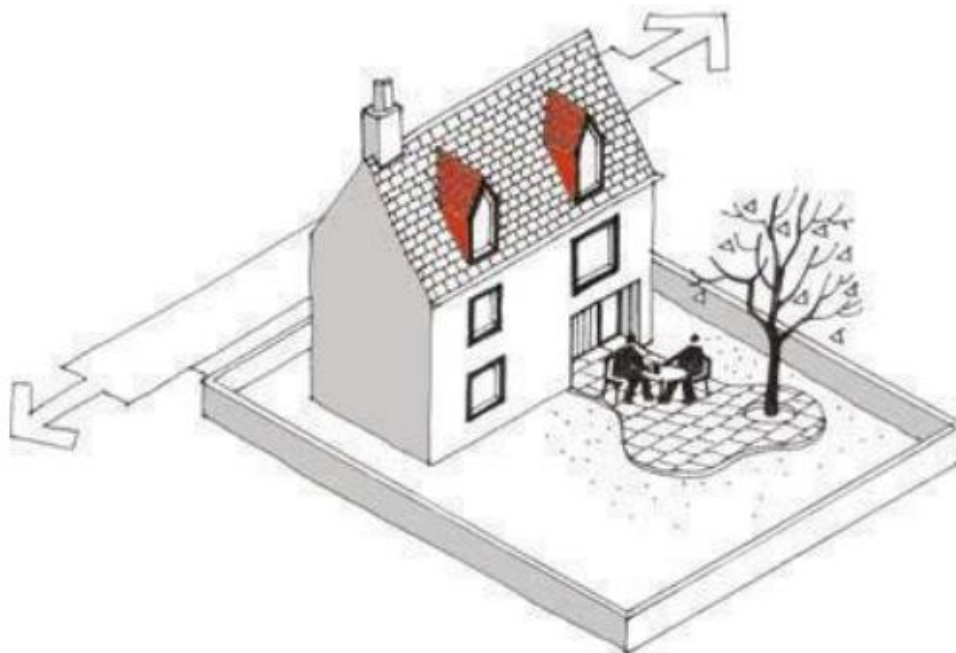
### Summary

4.37 Class 1D PDR allow the enlargement of a dwellinghouse by way of an addition or alteration to its roof. This class typically relates to the addition of a dormer. A badly designed dormer can harm the appearance of a dwellinghouse. The larger the dormer, the more challenging it is to produce a good design. In summary, the effect of the limitations is that:

- dormers are generally located to the rear.
- the distance between the dormer and boundary it fronts is a minimum of 10 metres.
- the height of the dormer is not higher than the existing dwellinghouse.
- the dormer, or dormers, covers less than half the roof.
- the distance between the dormer and the edge of the roof is a minimum of 0.3 metres.

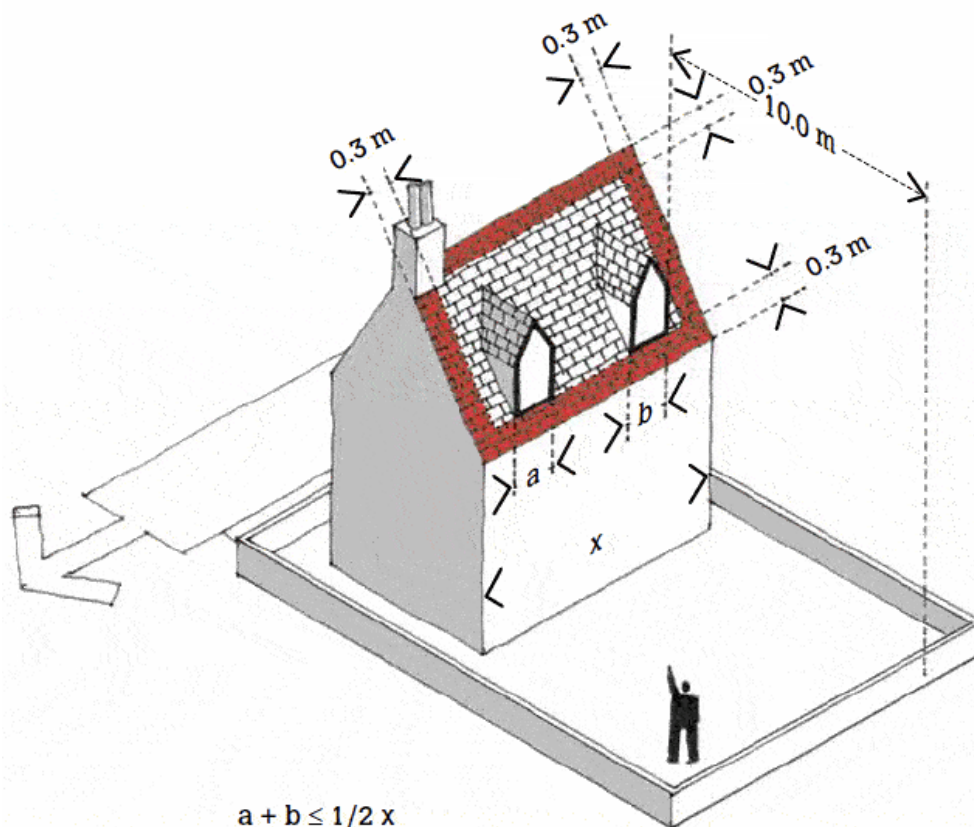
4.38 If the development exceeds any of the above limits, then an application for planning permission is required.

4.39 There are no PDR to enlarge a roof in a conservation area or a flat or for dwellinghouses created by Class 18B or 22A. (i.e. conversion of an agricultural or forestry building). Listed building consent will normally be required if your building is listed. Building standards may apply and a building warrant from the local authority may be required for this type of development as explained in section 2.



## Technical Explanation

- 4.40 There are no PDR in a conservation area or for flats or for dwellinghouses created by Class 18B or 22A (i.e. conversion of an agricultural or forestry building). A listed building consent is required if the proposed development affects the character of a listed building. Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available on [Historic Environment Scotland's website](#).
- 4.41 The development cannot be part of the roof forming the principal elevation or side elevation if that elevation is fronting a road. The identification of the principal elevation and side elevations are discussed in section 3 of this guidance, as is the concept of fronting a road.
- 4.42 Any enlargement or alteration to a roof is likely to have a visual impact and potentially cause overlooking. The development must be at least 10 metres from the boundary that it fronts.
- 4.43 The dormer must not exceed half the width of the roof plane (the width of the roof plane is measured at the eaves line). The development must be at least 0.3 metres from the edge of the roof plane, for example the ridge of the roof or the edge of a hipped roof. The overall height of the dwellinghouse **cannot** be increased as a result of the development. This is measured against the existing ridge of the roof.
- 4.44 **Figure 15** illustrates the restrictions for a dormer, the highlighted areas indicate where the development is not permitted as long as the other limitations are met.



## Legislation

### Class 1D.-

(1) Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Development is not permitted by this class if-

(za) the dwellinghouse is a dwelling by virtue of a change of use permitted under Class 18B or 22A;

(a) it would be on a roof plane forming part of the principal elevation or side elevation where that elevation fronts a road;

(b) it would be on a roof plane and would be within 10 metres of the boundary of the curtilage of the dwellinghouse which that roof plane fronts;

(c) as a result of the development the height of the dwellinghouse would exceed the height of the existing dwellinghouse, when measured at the highest part of the roof and excluding any chimney;

(d) its width would exceed half the total width of the roof plane, measured at the eaves line, of the dwellinghouse;

(e) any part of the development would be within 0.3 metres of any edge of the roof plane of the dwellinghouse; or

(f) it would be within a conservation area.

## 4.2 Improvements, additions or other alterations that are not enlargements

4.45 There are a variety of alterations or improvements to a dwellinghouse that are not enlargement. This section covers:

- Access Ramps (Class 2A)
- Improvements or alterations within a “1 metre bubble” (Class 2B)

4.46 Other common alterations or improvements that are not enlargements (e.g. installation of replacement windows, solar panels) are covered by their own specific PDR and are explained elsewhere in this document. For guidance on replacement windows, please see section 7 of this document; for guidance on the installation of domestic renewables equipment, please see section 6.

### Access Ramps (Class 2A)

4.47 Class 2A PDR allow small ramps to be attached to the external door of a dwellinghouse so long as certain limitations are met. The limitations are:

- the length of all flights cannot be more than 5 metres.
- the length of all flights and landings cannot be more than 9 metres.
- the height of the access ramp, including associated handrails, cannot be higher than 1.5 metres.
- the height of the platform cannot be higher than 0.4 metres.

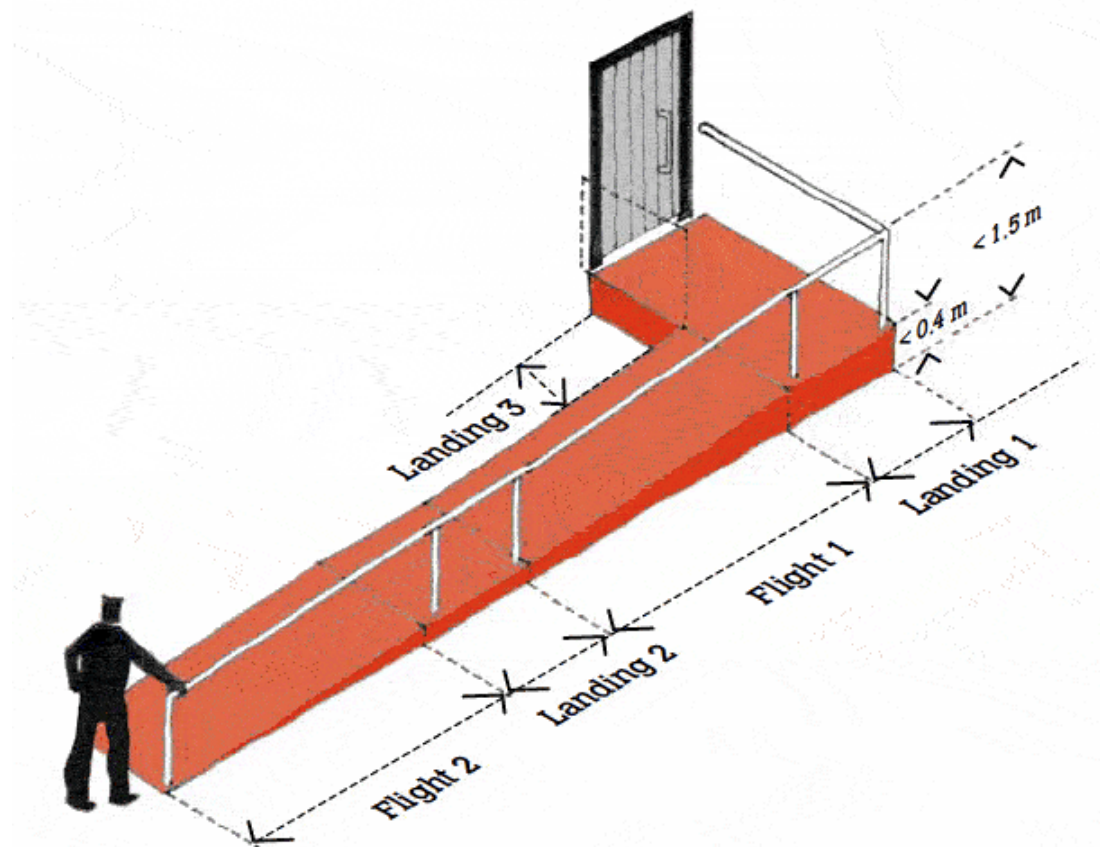
4.48 If the access ramp exceeds any of the above limits, or is in a conservation area, or within the curtilage of a listed building, then an application for planning permission is required. Listed building consent is required if the proposed access ramp affects the character of a listed building.

4.49 Supporting guidance, including information on suitable gradients and lengths of ramp, can be found in the [Building standards technical handbook](#).

4.50 Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available on [Historic Environment Scotland's website](#).

4.51 When measuring the height of the development on sloping or uneven ground, the height should be measured from the lowest point immediately adjacent to the ramp.





### Legislation

Class 2A.-

- (1) The erection, construction or alteration of any access ramp outside an external door of a dwellinghouse.
- (2) Development is not permitted by this class if-
  - (a) the combined length of all flights forming part of the access ramp would exceed 5 metres;
  - (b) the combined length of all flights and landings forming part of the access ramp would exceed 9 metres;
  - (c) any part of the ramp would exceed 0.4 metres in height;
  - (d) the combined height of the ramp and any wall (excluding any external wall of the dwellinghouse), fence, balustrade, handrail or other structure attached to it would exceed 1.5 metres; or
  - (e) it would be within a conservation area or within the curtilage of a listed building.

## Improvements or alterations within a “1 metre bubble” (Class 2B)

- 4.52 Class 2B PDR allow any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement. The development must not project by more than 1 metre from the wall or roof. This is best visualised as a 1 metre bubble surrounding the dwellinghouse. A householder can therefore carry out a wide range of different types of development without having to apply for planning permission.
- 4.53 The development must not enlarge the dwellinghouse. This means that the development cannot increase the internal volume of the original building. This includes a canopy or roof, with or without wall, which is attached to the building but does not include a balcony.
- 4.54 The following types of development are not permitted by this class:
- balcony, roof terrace or raised platform
  - wind turbine
- 4.55 The following developments are also not permitted by Class 2B because they are permitted by other classes:
- [access ramps \(Class 2A\)](#)
  - [a range of building or engineering operations including garden works, oil tanks \(Class 3B\)](#)
  - [a flue forming part of biomass heating system \(Class 6C\)](#)
  - [flue forming part of combined heat and power system \(Class 6F\)](#)
  - [air source heat pumps \(Class 6H\)](#)
  - [solar panels \(Class 6HA and Class 6HB\)](#)
  - [wind turbines mounted on detached dwellinghouses \(Class 6HC\)](#)
  - [alteration/ replacement windows \(Class 7A\)](#)
  - [Close circuit television \(CCTV\) cameras \(Class 72\)](#)
- 4.56 To ensure that the general character of an area is maintained, there is a condition that materials used for any roof covering must be similar in appearance to the existing roof.
- 4.57 An alteration to the external appearance would allow the painting (or repainting) of the property. It would also allow the painting or attaching of an advertisement to the property. While an application for planning permission may not be required by virtue of this class, an application for advertisement consent may be required under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 depending on the nature and size of any such advertisement.
- 4.58 There are no Class 2B PDR in a conservation area. Listed building consent is required if the proposed development affects the character of a listed building.

Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available on [Historic Environment Scotland's website](#).

### Legislation

Class 2B.-

(1) Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

Development is not permitted by this class if-

(a) it would protrude more than 1 metre from the outer surface of an external wall, roof plane, roof ridge or chimney of the dwellinghouse;

(b) it would be a wind turbine;

(c) it would be a balcony;

(d) it would be on the roof and would result in a raised platform or terrace;

(e) it would be within a conservation area; or

(f) it would be development described in Class 2A(1), 3B(1), 6C(1), 6F(1), 6H(1), 6HA(1), 6HB(1), 6HC(1), 7A(1), 67(1) or 72(1).

(3) Development is permitted by this class subject to the condition that the materials used for any roof covering must be as similar in appearance to the existing roof covering as is reasonably practicable.

### 4.3 Development within the curtilage of a dwellinghouse

4.59 There are many other types of developments that can happen within the curtilage of dwellinghouse. The following classes are covered in this section:

- [Ancillary buildings including sheds, garages, greenhouses \(Class 3A\)](#)
- [Storage buildings of limited dimensions e.g. bike sheds \(Class 3AA\)](#)
- [Building, engineering, installation or other operations \(Class 3B\)](#)
- [Hard surfaces \(Class 3C\)](#)
- [Decking \(Class 3D\)](#)
- [Gates, fences and walls \(Class 3E\)](#)

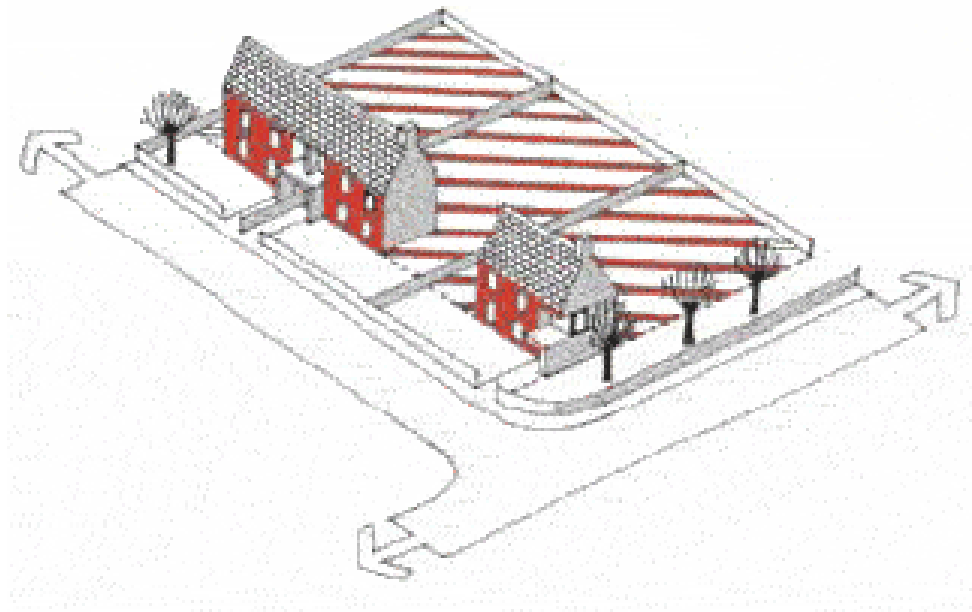
#### Ancillary buildings including sheds, garages, greenhouses (Class 3A)

4.60 Class 3A PDR allow for the provision of any building that is incidental to the enjoyment of the dwellinghouse if it is in the curtilage. Typical developments include sheds, garages, sun-houses and greenhouses. In summary, the key limitations are that:

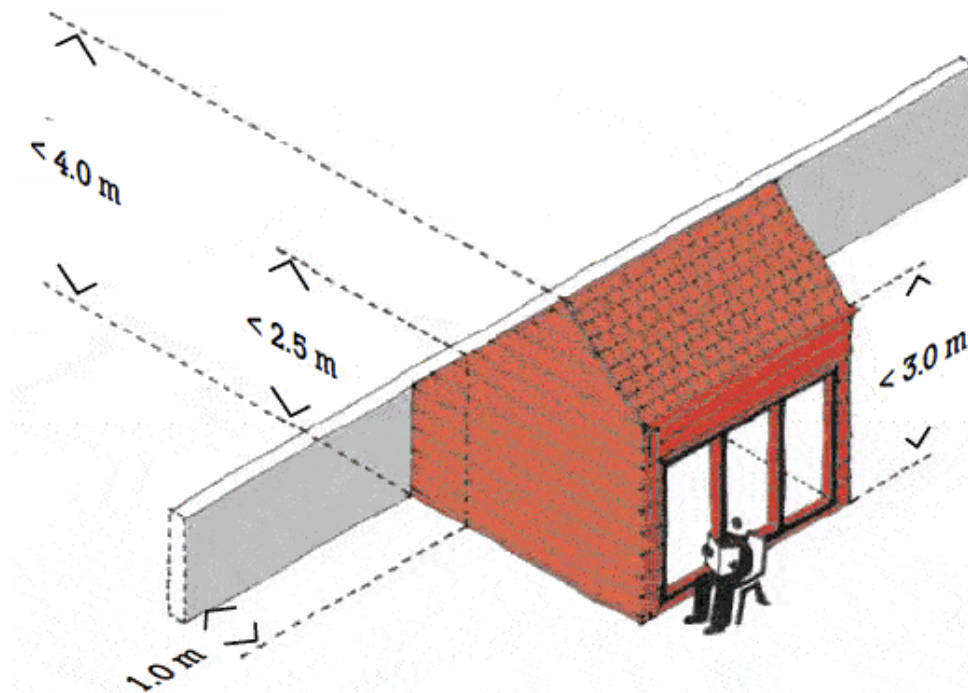
- buildings are generally located to the rear
- at least half the relevant (front or rear) curtilage must remain undeveloped – see paragraphs 3.22 to 3.25.
- the height of the building may not exceed 4 metres
- parts of the building within 1 metre of the curtilage boundary may not be higher than 2.5 metres
- the height of the eaves may not exceed 3 metres
- the building cannot be used as a separate dwelling

4.61 In the case of dwellinghouses in a conservation area development is permitted as long as the footprint of the ancillary building does not exceed 8 square metres (4 square metres if within the curtilage of a listed building). Listed building consent is required if the proposed development affects the character of a listed building. A building warrant from the local authority may be required for these types of developments, as explained in section 2.

4.62 The building cannot be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the principal elevation and side elevations are discussed in section 3 of this guidance, as is the concept of fronting a road. This is illustrated below; the shaded areas of the curtilage indicate where an ancillary building is permitted as long as the other limitations are met.



4.63 The parts of the building within 1 metre of a boundary must not be higher than 2.5 metres as illustrated below.



4.64 When measuring the height of the development on sloping or uneven ground, the height should be measured from the lowest point immediately adjacent to the extension.

4.65 The proposed development and existing developments (including extensions, sheds, garages) cannot exceed half of the of the rear (or front if appropriate) curtilage of the original dwellinghouse, this is explained in section 3 of this guidance.

4.66 In the case of dwellinghouses in a conservation area, the floor area of the ancillary building cannot exceed 8 square metres (4 square metres if within the curtilage of a listed building). A listed building consent is required if the proposed development affects the character of a listed building. Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available on [Historic Environment Scotland's website](#).

#### Legislation

Class 3A.-

(1) The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Development is not permitted by this class if-

(za) the dwellinghouse is a dwelling by virtue of a change of use permitted under Class 18B or 22A;

(a) it consists of a dwelling;

(b) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;

(c) the height of the eaves would exceed 3 metres;

(d) any part of the development would exceed 4 metres in height;

(e) any part of the development within 1 metre of the boundary of the curtilage of the dwellinghouse would exceed 2.5 metres in height;

(f) as a result of the development the area of ground covered by development within the front or rear curtilage of the dwellinghouse (excluding the original dwellinghouse and any hard surface or deck) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original dwellinghouse and any hard surface or deck);

(g) in the case of land within the curtilage of a listed building, the resulting building would have a footprint exceeding 4 square metres; or

(h) in the case of land in a conservation area, the resulting building would have a footprint exceeding 8 square metres.

### Storage buildings of limited dimensions e.g. bike sheds (Class 3AA)

4.67 Class 3AA permits the provision of a storage building, no greater than 1.5 metres in height, 2.5 metres in width and 1.2 metres in depth. It is intended to provide for storage of bikes, e-bikes, cargo bikes and adaptive bikes and mobility scooters. The size limits that apply to Class 3AA storage buildings are more restricted than those which apply to Class 3A. However, there are fewer limitations on where buildings permitted under Class 3AA can be located. In particular, buildings covered by Class 3AA are allowed in the front, side or rear garden of a house.

4.68 Class 3AA applies in a conservation area but not within the curtilage of a listed building or World Heritage Site. The resulting building must not obstruct light into another building or obstruct clear sight of a road or footpath by the driver of a vehicle entering or leaving the curtilage of the dwellinghouse. These PDR can only be used once in relation to the curtilage of a dwellinghouse.

### Legislation

#### Class 3AA.-

1) The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse.

(2) Development is not permitted by this class if—

(a) the resulting building would exceed—

(i) 150 centimetres in height,

(ii) 120 centimetres in depth,

(iii) 250 centimetres in width,

(b) there is an existing building developed by virtue of this class situated within the curtilage of the dwellinghouse,

(c) the resulting building would obstruct clear sight of a road or footpath by the driver of a vehicle entering or leaving the curtilage of the dwellinghouse,

(d) the resulting building would be situated within the curtilage of a listed building or a World Heritage Site,

(e) the resulting building would create an obstruction to light to another building.

### Building, engineering, installation or other operations (Class 3B)

4.69 PDR under Class 3B allow for the carrying out of works within the curtilage of a dwellinghouse not covered by other classes. It is intended to cover garden works, free-standing solar panels, flag poles, swimming pools and oil tanks. In summary, the effect of limitations is that:

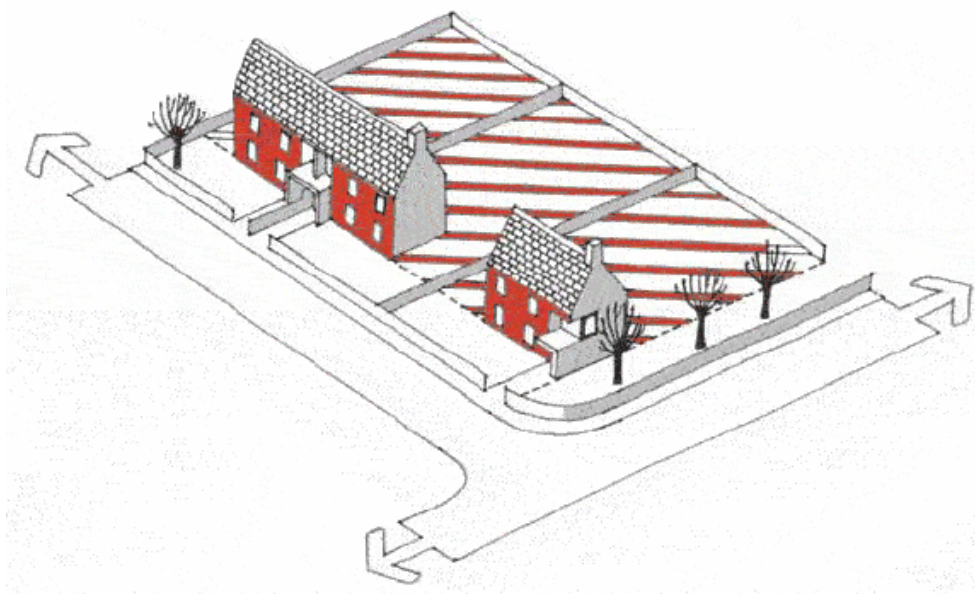
- the development is generally located in the rear.
- the height of the resulting structure is not higher than 3 metres.
- at least half the relevant (front or rear) curtilage remains undeveloped – see paragraphs 3.22 to 3.25.

4.70 If the development exceeds any of the relevant limits, then an application for planning permission is required.

4.71 Class 3B PDR do not apply in conservation areas or within the curtilage of a listed building. Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available on [Historic Environment Scotland's website](#). A building warrant from the local authority may be required for these types of developments, as explained in section 2.

4.72 Building operation is included in the description, as in terms of the definition of development and includes any development involving building work not covered by other classes.

4.73 The development cannot be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the principal elevation and side elevations are discussed in section 3 of this guidance, as is the concept of fronting a road. In the illustration below the shaded areas of the curtilage indicate where works are permitted as long as the other limitations are met.





4.74 The development **cannot** be higher than 3 metres. When measuring the height of the development on sloping or uneven ground, the height should be measured from the lowest point immediately adjacent to the development.

4.75 The proposed development and existing developments (including extensions, sheds, garages etc.) **cannot** exceed half of the rear curtilage (or front if appropriate) curtilage of the original dwellinghouse. See section 3.

4.76 The following types of development are not permitted by this class, as these types of developments are permitted by other classes:

- [Ancillary buildings \(Class 3A\)](#)
- [Hard surfaces \(Class 3C\)](#)
- [Decking \(Class 3D\)](#)
- [Gates, fences, walls or other means of enclosure \(Class 3E\)](#)
- [Ground source heat pumps \(Class 6D\)](#)
- [Water source heat pumps \(Class 6E\)](#)
- [Free-standing wind turbines \(Class 6G\)](#)
- [Air source heat pumps \(Class 6H\)](#)
- [Roof-mounted solar panels \(Class 6HA\)](#)
- Means of access (Class 8)

## Legislation

### Class 3B.-

(1) The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Development is not permitted by this class if-

(a) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;

(b) any resulting structure would exceed 3 metres in height;

(c) as a result of the development the area of ground covered by development within the front or rear curtilage of the dwellinghouse (excluding the original dwellinghouse and any hard surface or deck) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original dwellinghouse and any hard surface or deck);

(d) it would be within a conservation area or within the curtilage of a listed building;  
or

(e) it would be development described in Class 3A(1), 3C(1), 3D(1), 3E(1), 6D, 6E, 6G(1), 6H(1), 6HA(1) or 8.

## Hard surfaces (Class 3C)

4.77 PDR under Class 3C allow the construction or replacement of a hard surface within the curtilage of a dwellinghouse. If the hard surface exceeds any of the following limits then an application for planning permission is required.

4.78 If the hard surface is located between the dwellinghouse and a road, then it must be constructed of a porous material or that provision is made for surface water run off to be directed to a porous area within the curtilage of the dwellinghouse.

4.79 Planning permission is required for a hard surface in conservation areas and in the curtilage of listed buildings. A building warrant from the local authority may be required, as explained in section 2. Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available on [Historic Environment Scotland's website](#).

## Legislation

### Class 3C.-

(1) The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

(2) Development is not permitted by this class if it would be within a conservation area or within the curtilage of a listed building.

(3) Development is permitted by this class subject to the condition that where the hard surface would be located between the dwellinghouse and a road bounding the curtilage of the dwellinghouse-

(a) the hard surface must be made of porous materials; or

(b) provision must be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

## Decking or other raised platform (Class 3D)

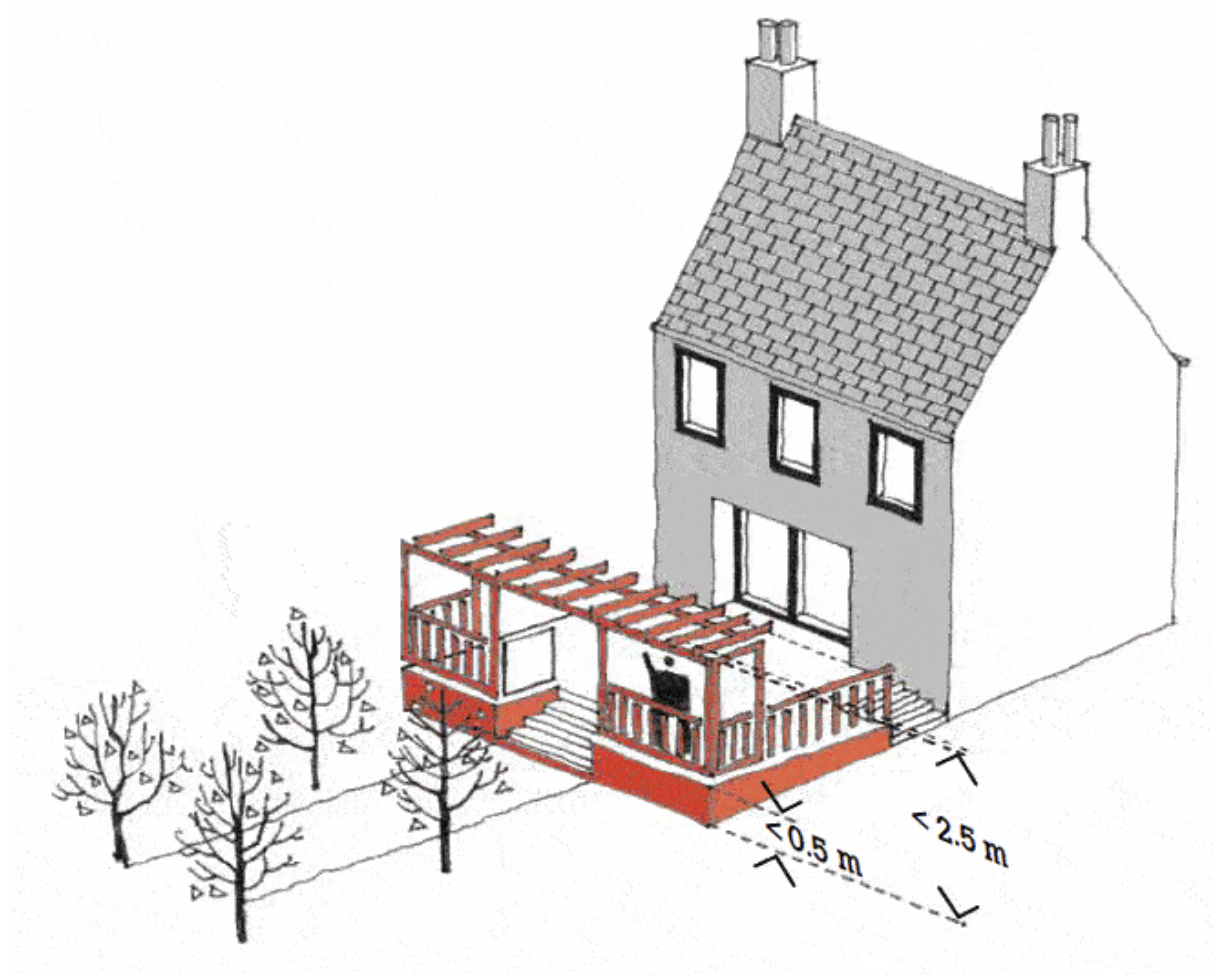
### Summary

4.80 PDR allow the erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse. In summary, the effect of the limitations is that:

- decks are generally located to the rear.
- the height of the floor level does not exceed 0.5 metre.
- the total height of the deck, including any attached structure does not exceed 2.5 metres.

4.81 If the deck, or raised platform, is in a conservation area or within the curtilage of listed building the maximum size of the deck, or raised platform, is 4 square metres. There are no Class 3D PDR for flats or for a dwellinghouse created by Class 18B or 22A (i.e. conversion of an agricultural or forestry building).

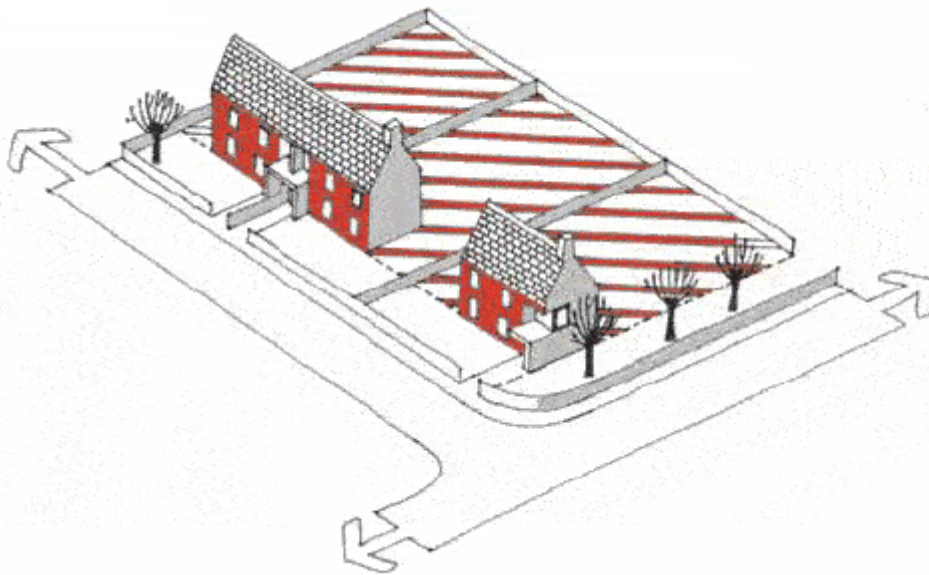
4.82 A building warrant from the local authority may be required for the deck or other raised platform, as explained in section 2.



## Technical Explanation

4.83 If the deck, or raised platform, exceeds any of the following limits then an application for planning permission is required.

4.84 Decks cannot be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the principal elevation and side elevations are discussed in section 3 of this guidance, as is the concept of fronting a road. This is illustrated below, the shaded areas of the curtilage indicate where an extension is permitted as long as the other limitations are met.



4.85 The maximum height of the platform of the decking is 0.5 metre. The total height if, for example screens are attached, is 2.5 metres. When measuring the height of the deck on sloping or uneven ground, the height should be measured from the lowest point immediately adjacent to the decking.

4.86 The size of decking in conservation areas and within the curtilage of listed buildings is restricted to 4 square metres to be permitted development. Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available on [Historic Environment Scotland's website](#).

## Legislation

### Class 3D.-

(1) The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Development is not permitted by this class if-

(za) the dwellinghouse is a dwelling by virtue of a change of use permitted under Class 18B or 22A;

(a) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;

(b) the floor level of any part of the deck or platform would exceed 0.5 metres in height;

(c) the combined height of the deck and any wall, fence, balustrade, handrail or other structure attached to it, would exceed 2.5 metres; or

(d) in the case of land within a conservation area or within the curtilage of a listed building the deck or platform would have a footprint exceeding 4 square metres.

### Gates, fences and walls (Class 3E)

- 4.87 PDR under Class 3E allow the erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure.
- 4.88 If the gate, fence, wall or other means of enclosure exceeds the following limits then an application for planning permission is required.
- 4.89 The maximum height of any gate, fence, wall or other means of enclosure is 2 metres. Whilst its maximum height 1 metre if it fronts a road (explained in section 3 of this guidance) or comes forward of the principal elevation or side elevation nearest a road. Identifying the principal elevation is also explained in section 3.
- 4.90 When measuring the height of the development on sloping or uneven ground, the height should be measured from the lowest point immediately adjacent to the gate, fence, wall or other means of enclosure.
- 4.91 The replacement or alteration of an existing gate, fence, wall or other means of enclosure to its original height is permitted. For example, an existing 1.2 metre fence forward of the principal elevation can be replaced with a fence up to 1.2 metres in height. If the replacement fence is higher than 1.2 metres then an application for planning permission would be required. Alternatively, if replacing a 0.8 metre high fence forward of the principal elevation it can be replaced by with a fence up to 1 metre in height.
- 4.92 Planning permission is needed for gates, fences, wall or other mean of enclosure in conservation areas and in the curtilage of listed buildings. Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available on [Historic Environment Scotland's website](#).

## Legislation

### Class 3E.-

(1) The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

Development is not permitted by this class if-

(a) any part of the resulting gate, fence, wall or other means of enclosure would exceed 2 metres in height;

(b) any part of the resulting gate, fence, wall or other means of enclosure would exceed one metre in height where it-

(i) fronts a road; or

(ii) extends beyond the line of the wall of the principal elevation or side elevation that is nearest a road;

(c) it replaces or alters an existing gate, fence, wall or other means of enclosure and exceeds whichever is the greater of the original height or the heights described in sub-paragraphs (a) and (b);

(d) it would be within a conservation area; or

(e) it would be within, or bound, the curtilage of a listed building.



## 5. Making changes to a flat

5.1 A flat is defined as a "separate and self contained set of premises whether or not on the same floor and forming part of a building from some other part of which it is divided horizontally". Specific PDR for flats (or tenements) are contained within the following classes, which are explained below:

- Improvements or alterations to the external appearance of a flat (Class 4A).
- Provision of a building within the curtilage of a flat (Class 4B)
- Cycle storage in rear curtilage of a tenement (Class 9J)

5.2 Other than microgeneration PDR, although they are not specific to flats, the following classes also potentially apply to flatted properties:

- Class 7: Gates, fences, walls and other means of enclosure
- Class 7A: Alteration or replacement of windows
- Class 72: CCTV cameras.

5.3 A range of PDR for microgeneration equipment also apply to flats – see section 6 of this document.

### Improvements or alterations to the external appearance of a flat (Class 4A)

#### Summary

5.4 PDR allow any improvement or other alteration to the external appearance of a dwelling situated within a building containing one or more flats that is not an enlargement. This is best visualised as a 1 metre bubble surrounding a flat. A wide range of different types of developments are permitted without having to apply for planning permission, including the installation, alteration or replacement of solar PV or solar thermal equipment. In summary, the effect of the limitations is that:

- the development does not enlarge the flat.
- the distance any development can project from the walls and roof of the flat is not more than 1 metre.
- the development is not a balcony, roof terrace or raised platform, wind turbine, a flue forming part of biomass heating system, flue forming part of combined heat and power system, air source heat pump, CCTV cameras or an enlargement.

5.5 There are no PDR under Class 4A in a **conservation area** or within the curtilage of a listed building. A **listed building consent** is required if the proposed development affects the character of a **listed building**.

5.6 A building warrant from the local authority may be required, as explained in section 2.

## Technical Explanation

- 5.7 If the development exceeds any of the following limits, then an application for planning permission is required.
- 5.8 The development must not enlarge the flat. This means that the development cannot increase the internal volume of the original building. Enlargement includes a canopy or roof, with or without wall, which is attached to the building but does not include a balcony.
- 5.9 The development must not project by more than 1 metre from the wall or roof.
- 5.10 Where development under this class affects a door, it must not alter the size of the door opening.
- 5.11 The development cannot be a balcony or, if it is on the roof, a raised platform or terrace. The following types of development are not permitted by this class because they are permitted by other classes:
- wind turbine
  - solar panels or solar thermal equipment
  - solar panels or solar thermal equipment on a building within the curtilage of a dwelling
  - alteration or replacement of existing windows
  - biomass heating system flue
  - combined heat and powers system flue
  - air source heat pump
  - CCTV cameras
- 5.12 There are no Class 4A PDR for conservation areas or within the curtilage of a listed building. Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available on [Historic Environment Scotland's website](#).
- 5.13 Section 6 discusses the installation, alteration or replacement of a flue for a combined heat and power system or air source heat pump.
- 5.14 An alteration to the external appearance of a flat would allow the painting (or repainting) of the property. It would also allow the painting or attaching of an advertisement to the property. While an application for planning permission may not be required by virtue of this class, an application for advertisement consent may be required under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 depending on the nature and size of any such advertisement.

## Legislation

### Class 4A.-

(1) Any improvement or other alteration to the external appearance of a dwelling situated within a building containing one or more flats.

(2) Development is not permitted by this class if-

(a) it would be an enlargement;

(b) it would protrude more than 1 metre from the outer surface of an external wall, roof plane, roof ridge or chimney;

(c) the dimensions of an existing window or door opening would be altered;

(d) it would be a balcony;

(e) it would be on the roof and would result in a raised platform or terrace;

(f) it would be a wind turbine;

(g) it would be within a conservation area or within the curtilage of a listed building;  
or

(h) it would be development described in Class 6C(1), 6F(1), 6H(1), 6HA(1), 6HB(1), 6HC(1), 7A(1) 67(1) or 72(1).

## Provision of a building within the curtilage of a flat (Class 4B)

### Summary

5.15 A Class 4B building permitted in the private garden area of a flat must not exceed 1.5 metres in height, 1.2 metres in depth and 2.5 metres in width. It must not block sight lines for roads and footpaths or light to other buildings. Class 4B does not apply to the curtilage of a listed building.

5.16 In addition, Class 4B specifies PDR which allow buildings intended for bicycle storage in the private garden area of a flat. These PDR do not apply in the curtilage of listed buildings. Size and locational restrictions apply. See also Class 9J for tenements.

## Legislation

### Class 4B.-

- (1) The provision of a building within the curtilage of a flat.
- (2) Development is not permitted by this class if—
  - (a) the resulting building would exceed—
    - (i) 150 centimetres in height,
    - (ii) 120 centimetres in depth, or
    - (iii) 250 centimetres in width,
  - (b) if the development would result in there being more than one building developed by virtue of this class situated within the curtilage of the flat
  - (c) the resulting building would obstruct clear sight of a road or footpath by the driver of a vehicle entering or leaving the curtilage of the flat,
  - (d) the resulting building would be situated within the curtilage of a listed building or a World Heritage Site, or
  - (e) the resulting building would create an obstruction to light to another building.

## Cycle Stores (Class 9J)

### Summary

5.17 Class 9J allows for the erection of a communal cycle store to the rear of a tenement block. Class 9J applies in conservation areas, but not within the curtilage of a listed building or a World Heritage Site. See also Class 4B in the previous section for flats with private gardens.

### Legislation

#### Class 9J

- (1) The provision of a building within the rear curtilage of a tenement for the purpose of storage of pedal cycles.
- (2) Development is not permitted by this class if—
  - (a) the development would result in there being more than one building developed by virtue of this class situated within the rear curtilage of the tenement,
  - (b) the resulting building would be situated within the curtilage of a listed building or a World Heritage Site,
  - (c) the resulting building would create an obstruction to light to another building.

## Gates, fences, walls or other means of enclosure (Class 7)

- 5.18 PDR allow the erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure. If the gate, fence, wall or other means of enclosure exceeds any of the following limits then an application for planning permission is required.
- 5.19 The maximum height of any new gate, fence, wall or other means of enclosure is 2 metres, but where it is within 20 metres of a road the maximum height is 1 metre.
- 5.20 When measuring the height of the development on sloping or uneven ground, the height should be measured from the highest point immediately adjacent to the gate, fence, wall or other means of enclosure.
- 5.21 The replacement or alteration of an existing gate, fence, wall or other means of enclosure to its original height is permitted. For example, an existing 1.2 metre fence within 20 metres of a road can be replaced with a fence up to 1.2 metres in height. If the replacement fence is higher than 1.2 metres then an application for planning permission would be required. Alternatively, if replacing a 0.8 metre high fence within 20 metres of a road it can be replaced by with a fence up to 1 metre in height.
- 5.22 There are no Class 7 PDR for conservation areas or within the curtilage of a listed building. Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available on Historic Environment Scotland's website.

## Legislation

### Class 7.-

(1) The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

(2) Development is not permitted by this class if-

(a) the height of any gate, fence, wall or other means of enclosure to be erected or constructed within 20 metres of a road would, after the carrying out of the development, exceed one metre above ground level;

(b) the height of any other gate, fence, wall or other means of enclosure to be erected or constructed would exceed two metres above ground level;

(c) the height of any existing gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

(d) it would involve development within the curtilage of, or in respect of a gate, fence, wall or other means of enclosure surrounding, a listed building. or

(e) it would be development described in Class 3E(1)

## 6. Installing Microgeneration Equipment

6.1 This section explains the PDR for the following types of domestic microgeneration equipment:

- [Ground and Water Source Heat Pumps \(Class 6D and 6E\)](#)
- [Air Source Heat Pumps \(Class 6H\)](#)
- [Free-Standing Wind Turbines \(Class 6G\)](#)
- [Roof-Mounted Wind Turbines on Detached Dwellinghouses \(Class 6HC\)](#)
- [Solar panels on a dwelling \(Class 6HA\)](#)
- [Solar panels on a building within the curtilage of a dwelling \(Class 6HB\)](#)
- [Flues for Biomass Heating Systems \(Class 6C\)](#) and [Combined Heat and Power Systems \(Class 6F\)](#)

6.2 [Free-standing solar panels within the curtilage of a dwellinghouse are covered by Class 3B.](#)

6.3 All the limitations and restrictions within a class will need to be complied with in order for a development to benefit from the PDR granted by that class.



## **Ground or Water Source Heat Pumps (Class 6D and 6E)**

6.4 PDR allow the installation, alteration or replacement of a Ground Source Heat pump or Water Source Heat pump within the curtilage of a dwellinghouse or a building containing a flat. The PDR apply both to the pump itself and to any associated equipment and pipework. There are no additional restrictions on those PDR.

### Legislation

Class 6D.- The installation, alteration or replacement of a ground source heat pump and any associated pipes or apparatus within the curtilage of a dwellinghouse or building containing a flat.

Class 6E.- The installation, alteration or replacement of a water source heat pump and any associated pipes or apparatus within the curtilage of a dwellinghouse or building containing a flat.

## **Air Source Heat Pumps (Class 6H)**

- 6.5 Class 6H permits the installation, alteration or replacement of an air source heat pump (ASHP) on a dwelling or within the curtilage of a dwelling. In both cases, this means a dwellinghouse, a building containing one or more flats or a flat contained within such a building.
- 6.6 The aim of these provisions is to manage adverse impacts on neighbours and amenity generally (e.g. noise and visual impact) set against the wider environmental, social and economic benefits of microgeneration. They do this by means of limitations and conditions.

### Limitations

- 6.7 For ASHP, the limitations are that:
- a development is not permitted if it would result in more than one ASHP on the same building or within the curtilage of a building.
  - development is not permitted if it would result in the protrusion of an ASHP by more than 1 metre from the outer surface of an external wall, roof plane, roof ridge or chimney of a dwelling.
  - development is not permitted on a dwelling within a Conservation Area unless the ASHP is located at ground floor level and on the rear elevation of the dwelling.
  - development is not permitted within the curtilage of a building if any part of the installation would be forward of a wall forming part of the principal or side elevation of a building where that elevation fronts a road, or if any resulting ASHP structure would exceed 3 metres in height.
  - development is not permitted in a World Heritage Site or within the curtilage of a listed building.

### Conditions

- 6.8 The conditions require that ASHP microgeneration equipment only be used for domestic microgeneration purposes, and that an ASHP only be used for the purpose of providing domestic heating or hot water. ASHP equipment must be removed as soon as reasonably practicable where it is no longer needed for, or capable of, being used for these purposes.
- 6.9 A further condition of the PDR is that the equipment installed must comply with MCS 020 planning standards for air source heat pumps or equivalent standards.

## Legislation

### Class 6H

(1) The installation, alteration or replacement of an air source heat pump on a dwelling or within the curtilage of a dwelling.

(2) Development is not permitted by this class—

(a) if it would result in the presence on the same building or within the curtilage of a building of more than one air source heat pump;

(b) in the case of an installation, alteration or replacement of an air source heat pump on a dwelling if—

(i) any part of the development would protrude more than 1 metre from the outer surface of an external wall, roof plane, roof ridge or chimney of the dwelling; or

(ii) the air source heat pump would be within a conservation area, unless the air source heat pump would be—

(aa) at ground floor level; and

(bb) on the rear elevation;

(c) in the case of the installation, alteration or replacement of an air source heat pump within the curtilage of a building if—

(i) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road; or

(ii) any resulting structure would exceed 3 metres in height; or

(d) the air source heat pump would be within—

(i) a World Heritage Site; or

(ii) the curtilage of a listed building.

(3) Development is permitted by this class subject to the following conditions—

(a) the air source heat pump must be used only for the purpose of providing domestic heating or hot water;

(b) where the air source heat pump is no longer needed for, or capable of, providing domestic heating or hot water it must be removed as soon as reasonably practicable;

(c) the air source heat pump must comply with MCS Planning Standards for air source heat pumps or equivalent standards.

## Free-standing Wind Turbines (Class 6G)

6.10 Class 6G permits the installation, alteration or replacement of a free-standing wind turbine within the curtilage of a dwelling.

6.11 The limitations are that:

- the installation of a free-standing wind turbine must be not less than 110% of the blade tip height from the curtilage of another dwelling.
- the blade tip height must not exceed 15m and the lowest part of the turbine blade must be at least 5m from the ground level.
- only one free-standing wind turbine is permitted within the curtilage of a dwelling.
- development is not permitted within a conservation area, a World Heritage Site, a site of special scientific interest, a site of archaeological interest, or within the curtilage of a listed building.

### Conditions

6.12 The conditions are:

- the turbine, including the blades, must be constructed and maintained in a uniform external colour and must be kept free of rust, staining or other discolouration.
- The turbine must comply with the relevant MCS planning standards for wind turbines or equivalent standards.
- If the turbine is no longer needed or is incapable of generating electricity it must be removed as soon as is reasonably practical.
- Prior notification and approval procedures must be completed before development commences.

### The prior notification and prior approval condition

6.14 The purpose of prior approval for micro-wind turbines is to allow the planning authority to consider any matter it may deem relevant in respect of the design, size, siting and external appearance of the proposed wind turbine. However, it is intended principally to provide a safeguard for aerodromes, radar technical sites, radio and television networks and National Scenic Areas (NSAs) that could be affected by wind turbine installations.

6.15 Aerodromes and radar technical sites are safeguarded by the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) (Scotland) Direction 2003.

[Circular 2/2003: safeguarded aerodromes, tech sites and storage areas](#) contains the Direction and explains what consultation is required by planning authorities when an application for planning permission for development is made which could affect such a site. Certain military

technical sites owned by the Secretary of State for Defence are also safeguarded under a similar process.

- 6.16 The operators of safeguarded aerodromes, technical sites and military explosives storage areas are also likely to need to examine specific proposals with particular reference to matters such as siting, design (including height), external appearance and type of construction when planning authorities consider applications for approval required by conditions attached to a grant of planning permission in principle. Although these are not applications for planning permission, and are therefore not covered by the Direction, Circular 2/2003 explains that planning authorities should as a matter of good practice consult the relevant consultees when they receive such applications and allow the consultees sufficient time to consider the implications for their operations before taking decisions on them.
- 6.17 It is considered therefore that as a conclusion of that good practice the same consultation procedure should apply where the planning authority's prior approval of a micro-wind turbine installation is sought.

#### Consultation - Further guidance

- 6.18 Additional guidance on aerodrome and technical sites safeguarding from obstacles including wind turbines is provided within [Circular 2/2003: safeguarded aerodromes, tech sites and storage areas](#)
- 6.19 For terrestrial radio and television networks the planning authority may consider it necessary to consult with the electronic communications provider or [Ofcom](#) to safeguard signal broadcasts from main sites or from relay sites typical of rural settings.
- 6.20 It would also be open to the planning authority and prospective developer to negotiate away any issues of concern, including submitting revised proposals as opposed to appeals or local reviews being pursued.

#### Removal condition

- 6.21 In instances where free-standing wind turbine equipment is no longer needed, or the equipment becomes incapable of being used, for example through breakdown that cannot be or is not repaired, the condition requires that it must be removed as soon as reasonably practicable. The removal condition is otherwise self-explanatory.

## Legislation

### Class 6G

(1) The installation, alteration or replacement of a free standing wind turbine within the curtilage of a dwelling.

(2) Development is not permitted by this class—

(a) if it would result in the presence within the curtilage of a dwelling of more than one free standing wind turbine,

(b) if the wind turbine would be situated a distance which is less than 110% of the blade tip height of the turbine from the curtilage of another dwelling,

(c) if the blade tip height of the wind turbine would exceed 15 metres,

(d) if the lowest part of the wind turbine blade tip would be less than 5 metres from ground level,

(e) within—

(i) a conservation area,

(ii) the curtilage of a listed building,

(iii) a World Heritage Site,

(iv) a site of special scientific interest,

(v) a site of archaeological interest.

(3) Development is permitted by this class subject to the following conditions—

(a) the developer must before beginning the development apply to the planning authority for a determination as to whether the prior approval of the authority will be required in respect of the siting, design, size and external appearance of the proposed wind turbine,

(b) the application is to be accompanied by—

(i) a written description of the proposed development, including details of the siting, design, size and external appearance of the proposed wind turbine, and

(ii) a plan indicating the site,

(c) the development is not to be commenced before the occurrence of one of the following—

(l) the receipt by the applicant from the planning authority of a written notice of their determination that prior approval in respect of the siting, design, size and external appearance of the proposed wind turbine is not required,

(ii) the expiry of a period of 28 days following the date on which the application was received by the planning authority without the planning authority giving notice of their determination that such approval is required, or

(iii) where the planning authority gives the applicant notice within a period of 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval,

(d) the development must, except to the extent that the planning authority otherwise agree in writing, be carried out—

(i) to the extent to which prior approval is required, in accordance with the details approved,

(ii) to the extent to which prior approval is not required, in accordance with the details submitted with the application,

(e) the development is to be carried out within a period of three years from the date on which all approvals required in accordance with this paragraph have been given,

(f) the wind turbine must comply with MCS Planning Standards for wind turbines or equivalent standards,

(g) the wind turbine (including the blades) must be constructed and maintained in a uniform external finish and colour and be free from external rust, staining or discolouration,

(h) if the wind turbine is no longer needed for, or capable of, the generation of electricity it must be removed as soon as reasonably practicable.

## Wind Turbines on Detached Dwellinghouses (Class 6HC)

- 6.22 Class 6HC allows the installation, alteration or replacement of a wind turbine on a detached dwellinghouse.
- 6.23 The PDR apply solely to detached dwellinghouses and therefore do not allow installation, alteration or replacement on terraced or semi-detached houses or on buildings containing flats. The intention is to minimise the potential for nuisance to be caused to neighbours through shadow flicker, noise, or vibration and to minimise potential for damage to other persons' property in the event the turbine became detached from the building.
- 6.24 The following limitations also apply:
- There can be no more than one turbine on the same dwellinghouse (a free-standing turbine within the curtilage would not count towards this restriction and vice versa),
  - No part of the turbine may protrude more than 3m above the highest part of the roof, excluding the chimney, of the dwellinghouse,
  - No part of the turbine may be less than 5m from ground level,
  - The swept area of the turbine must not be more than 4 square metres
  - No part of the turbine may be less than 5m from the boundary of the curtilage of the dwellinghouse,
  - Development is not permitted in a conservation area, a World Heritage Site, a site of special scientific interest, on a listed building or within the curtilage of a listed building.
  - The turbine must comply with MCS planning standards for wind turbines or equivalent standards.
- 6.26 The turbine must be constructed and maintained in a uniform colour, including the blades, and must be kept rust free and free from advertisements, external staining or other discolouration.
- 6.27 Where the wind turbine equipment is no longer needed, or the equipment becomes incapable of being used, for example through breakdown that cannot be or is not repaired, the condition requires that it must be removed as soon as reasonably practicable.



## Legislation

### Class 6HC

(1) The installation, alteration or replacement of a wind turbine on a detached dwellinghouse.

(2) Development is not permitted by this class—

(a) if it would result in the presence on the same dwellinghouse of more than one wind turbine,

(b) if any part of the wind turbine would protrude more than 3 metres above the highest part of the roof (excluding any chimney) of the dwellinghouse,

(c) if any part of the wind turbine would be less than 5 metres from ground level,

(d) if the swept area of the turbine would be more than 4 square metres,

(e) if any part of the wind turbine would be less than 5 metres from the boundary of the curtilage of the dwellinghouse,

(f) in the case of a dwellinghouse—

(i) in a conservation area,

(ii) in a World Heritage Site,

(iii) in a site of special scientific interest,

(iv) which is a listed building or is in the curtilage of a listed building.

(3) Development is permitted by this class subject to the following conditions—

(a) the wind turbine must comply with MCS Planning Standards for wind turbines or equivalent standards,

(b) the wind turbine must be constructed and maintained in a uniform external finish and colour and be free from advertisements, external rust, staining or discolouration, and

(c) if the wind turbine is no longer needed for, or capable of, generating electricity it must be removed as soon as reasonably practicable.

## **Solar Panels on Dwellings (Class 6HA)**

6.28 Class 6HA : The installation, alteration or replacement of solar photovoltaic or solar thermal equipment (often collectively referred to as solar panels) on a dwelling.

6.29 The following restrictions apply;

- No part of the solar panel equipment may protrude more than 1m from the surface of the wall, roof plane, roof ridge or chimney.
- Development is not permitted on a listed building or within the curtilage of a listed building.
- In a conservation area, development is permitted provided the solar panels and equipment are mounted on a rear elevation or a side elevation if that side elevation does not front a road.

### Condition

6.30 Where the solar panel equipment is no longer needed or is incapable of generating heat or electricity, as the case may be, it must be removed as soon as is reasonably practical.

## Legislation

### Class 6HA

(1) The installation, alteration or replacement of solar PV or solar thermal equipment on a dwelling.

(2) Development is not permitted by this class if—

(a) it would protrude more than 1 metre from the outer surface of an external wall, roof plane, roof ridge or chimney of the dwelling,

(b) the dwelling is situated in a conservation area and the solar PV or solar thermal equipment would be located on—

(i) the principal elevation, or

(ii) a side elevation where that elevation fronts a road,

(c) the dwelling is —

(i) a listed building or is within the curtilage of a listed building,

(ii) within a World Heritage Site.

(3) Development is permitted by this class subject to the condition that solar PV or solar thermal equipment which is no longer needed for, or capable of, the generation of electricity or the production of heat, as the case may be, must be removed as soon as reasonably practicable.

## **Solar panels mounted on outbuildings within the curtilage of a dwelling (Class 6HB)**

- 6.31 Class 6HB allows the installation, alteration or replacement of solar panels on a building within the curtilage of a dwelling. This covers both solar photovoltaic and solar thermal equipment.
- 6.32 The following restrictions apply;
- Development is not permitted if the solar panels/equipment would protrude more than 500mm (50cm) from the external wall, roof plane, roof ridge or chimney of the building they are affixed to.
  - The building the solar equipment is affixed to must not be in the front curtilage of the dwelling.
  - PDR do not apply to listed buildings or buildings within the curtilage of a listed building or within a World Heritage Site.

### Conditions

- 6.33 Development is permitted by this class subject to the condition that if the equipment is no longer needed or is incapable of generating heat or electricity (as the case may be) it must be removed as soon as is reasonably practicable.
- 6.34 There are no additional restrictions on placement of solar panels on outbuildings in conservation areas other than the general restriction that the building cannot be within the front curtilage of the dwelling. Nor are there any restrictions on the number of outbuildings to which such equipment can be attached, although it is important to remember that the buildings themselves must have planning permission, either under Class 3A or as a decision on a planning application.

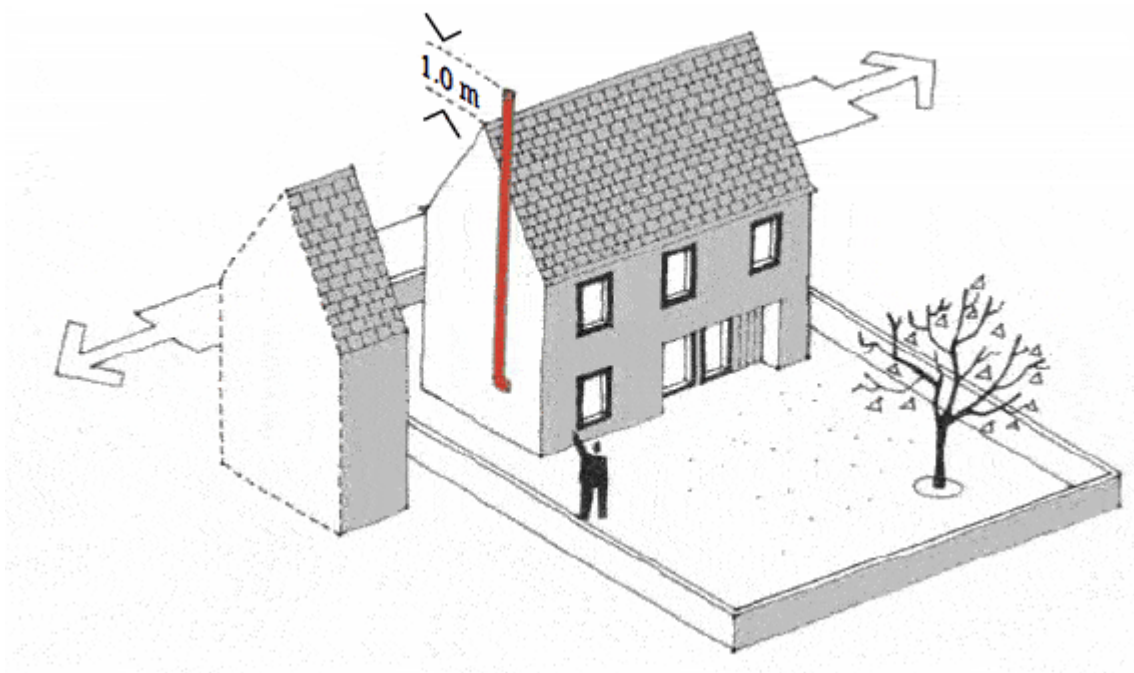
## Legislation

### Class 6HB

- (1) The installation, alteration or replacement of solar PV or solar thermal equipment on a building situated within the curtilage of a dwelling.
- (2) Development is not permitted by this class if—
  - (a) it would protrude more than 500 millimetres from the outer surface of an external wall, roof plane, roof ridge or chimney of the building,
  - (b) the building is situated in the front curtilage of the dwelling,
  - (c) the building is—
    - (i) a listed building or within the curtilage of a listed building,
    - (ii) within a World Heritage Site,
  - (d) it would be development described in Class 6HA(1).
- (3) Development is permitted by this class subject to the condition that solar PV or solar thermal equipment which is no longer needed for, or capable of, the generation of electricity or the production of heat, as the case may be, must be removed as soon as reasonably practicable.
- (4) In this class “front curtilage” means that part of the curtilage of the dwelling forward of the principal elevation of the dwelling.

## Flues for Biomass Heating System (Class 6C)

- 6.35 PDR allow the installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse or building containing a flat.
- 6.36 If the flue exceeds any of the following limitations, then an application for planning permission is required.
- 6.37 A planning permission is needed for flues for dwellinghouses or flats within an Air Quality Management Area. Air Quality Management Area has the meaning given in section 83(1) of the Environment Act 1995.
- 6.38 Planning permission is required if the flue is to be attached to the principal elevation of a dwellinghouse or flat within a conservation area or World Heritage Site. The identification of the principal elevation is discussed in section 3.



## Legislation

### Class 6C.-

(1) The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse or building containing a flat.

(2) Development is not permitted by this class if-

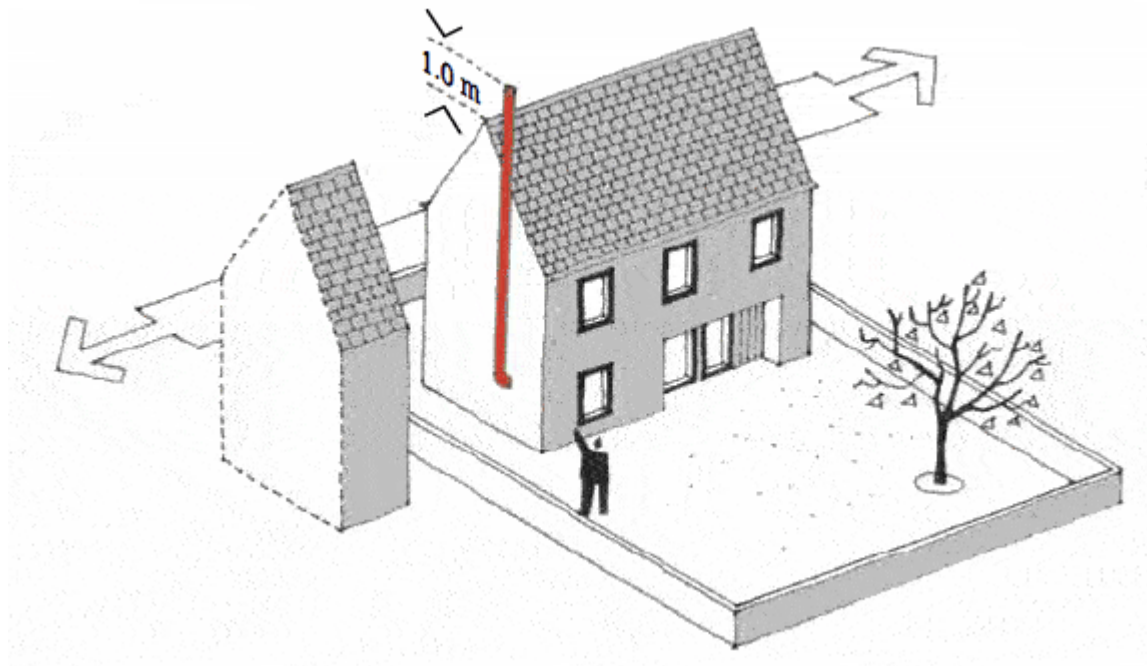
(a) the height of the flue would protrude more than one metre above the highest part of the roof (excluding any chimney) on which the flue is fixed;

(b) in the case of land within a conservation area or a World Heritage Site, the flue would be installed on the principal elevation of the dwellinghouse or building containing a flat; or

(c) the flue would be within an Air Quality Management Area.

## Flues for Combined Heat and Power System (Class 6F)

- 6.39 Flues for Combined Heat and Power System PDR allow the installation, alteration or replacement of a flue for combined heat and power system, on a dwellinghouse or building containing a flat.
- 6.40 If the flue exceeds any of the following limitations, then an application for planning permission is required.
- 6.41 A planning permission is needed for flues for dwellinghouses or flats within an Air Quality Management Area. Air Quality Management Area has the meaning given in section 83(1) of the Environment Act 1995.
- 6.42 Planning permission is required if the flue is to be attached to the principal elevation of a dwellinghouse or flat within a conservation area or World Heritage Site. The identification of the principal elevation is discussed in section 3.





## Legislation

### Class 6F.-

(1) The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse or building containing a flat.

(2) Development is not permitted by this class if-

(a) the height of the flue would protrude more than 1 metre above the highest part of the roof (excluding any chimney) on which the flue is fixed;

(b) in the case of land within a conservation area or World Heritage Site, the flue would be installed on the principal elevation of the dwellinghouse, or building containing a flat; or

(c) in the case of a combined heat and power system fuelled by biomass sources, the flue would be within an Air Quality Management Area.

## 7. Altering or replacing existing windows

### General information

- 7.1 Under planning legislation (the Town and Country Planning (Scotland) Act 1997), planning permission is required to carry out “development”. The same legislation says that works which do not materially affect the external appearance of a building do not constitute development for the purposes of planning. As such, the installation of like-for-like windows will not require an application for planning permission. This is the case in all locations.
- 7.2 Even where the alteration or replacement of an existing window (or windows) would affect a building’s external appearance, planning permission is in most cases granted by PDR under Class 7A of the GPDO. These PDR (reproduced in full below) apply to both domestic and non-domestic properties.
- 7.3 The effect of Class 7A PDR is that in most locations, an application for planning permission is not required to alter or replace the existing windows of a house or flat. Some additional rules, which are explained below, apply in conservation areas. There are no PDR for replacement windows in a World Heritage Site.
- 7.4 Class 7A PDR do not apply to the creation of new windows in an existing building.
- 7.5 Planning permission and listed building consent are separate approval processes. Irrespective of whether planning permission is needed, listed building consent will need to be obtained if a building is listed. Planning authorities will be able to confirm whether a property is located in a conservation area. [Historic Environment Scotland’s website](#) has information about listed buildings.

### Altering or replacing existing windows in a conservation area

#### Summary

- 7.6 Class 7A PDR apply in conservation areas. However, if your house or flat is in a conservation area you may need to notify the planning authority and submit some additional information before altering or replacing a window; the authority then has an opportunity to consider the acceptability of the proposal. This process is described below (paragraphs 7.12 – 7.17). Whether you need to notify the planning authority will depend on:
- Where the window(s) you intend to replace are situated on the building.
  - The design of the proposed replacement and how it compares to the design of the existing window.

#### Window on the back of a property in a conservation area (or side of property which does not front a road)

- 7.7 For windows on the rear elevation of a building in a conservation area, there are no restrictions on the design or appearance of the replacement/altered

window – and you will not need to submit any additional information to the planning authority. This is also the case for windows on the side elevation of the building - unless that side elevation fronts a road.

- 7.8 See section 3 of this document for guidance on how to identify the rear, side and principal elevations - as well as what is meant by 'fronting a road'.

#### Window on the front of a property (or a side fronting a road) in a conservation area

- 7.9 Additional restrictions apply to windows situated on the principal elevation of a building and side elevations that front a road. This is because these are generally the more prominent parts of the building and therefore more sensitive to change. Depending on how similar the proposed window is to the existing one, you may need to notify the planning authority of your proposal (before carrying out the works) and submit some additional information so that they can take a view on whether the design is acceptable. This process is called "prior notification/prior approval" – sometimes referred to simply as "prior approval" – and is described below.

- 7.10 You will not need to notify the planning authority and submit additional information if the proposed window matches (i.e. is the same or substantially the same as) the existing window as regards:

- Opening mechanism (e.g. sash and case)
- The number, orientation and colour of panes within the window (e.g. six-over-six configuration)
- The dimensions and colour of the window's frame and any [astragal bars](#).

- 7.11 The material of the proposed and existing windows do not need to match. So if, for example, the proposed window would be the same or substantially the same as the existing one in respect of the three criteria above but the proposed window is made of a different material to the existing window, the process described below does not apply. If, however, you propose to replace existing windows with a different material and the replacement would not be the same/substantially the same as the existing one in respect of the three criteria (e.g. width of the frame) then the process below would apply. It is always advisable to check with your planning authority before starting work.

#### Prior notification/prior approval process

- 7.12 If you intend to alter or replace a window which is: a) on a building in a conservation area; b) situated on the building's principal elevation (or side elevation that fronts a road); and c) not the same, or substantially the same, as the existing window in relation to the three criteria at paragraph 7.10, you will need to notify the planning authority and submit some additional information to them before carrying out the works. This enables the authority to consider whether their prior approval is required in relation to the design and external appearance of your proposal.

- 7.13 In this scenario, you must send the planning authority:

- A plan indicating the location of your property.
- A written description of your proposal and the materials to be used.
- The relevant fee (£100)<sup>1</sup>

7.14 An application form is available at [ePlanning Scotland](#) together with some additional guidance notes on how to complete the form.

7.15 Upon receipt of the required information (paragraph 7.13), the planning authority has 28 days to indicate whether or not its prior approval is needed. If you do not hear from the authority within that period, you can proceed with the proposed window alteration or replacement. If the authority respond indicating that prior approval is required, you cannot go ahead with the works until that approval is given. The authority's consideration is limited to the design and external appearance of the proposed window. Statutory neighbour notification and publicity requirements do not apply. In this sense, it is a narrower and lighter-touch process than a planning application.

7.16 It may help the planning authority to reach a view on your proposal if you submit information that goes beyond the minimum set out at paragraph 7.13, for example, photographs of the existing window.

7.17 Unless subsequently agreed in writing by the planning authority, the works must be carried out in accordance with the details approved by the planning authority. In circumstances where the planning authority confirmed that their prior approval was not required, the development must be carried out in line with the details submitted. The work must be carried out within 3 years of receipt of the planning authority receiving the application for prior approval or 3 years from the date on which approval was given.

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<sup>1</sup> At the time of writing in May 2024

## Legislation

### Class 7A

- (1) Any alteration or replacement of an existing window <sup>2</sup>.
- (2) Development is not permitted by this class within a World Heritage Site.
- (3) Paragraph (4) applies to development to alter or replace a window in a conservation area where—
  - (a) the window is part of—
    - (i) the principal elevation, or
    - (ii) a side elevation where that elevation fronts a road, and
  - (b) the window as altered or replaced would not be the same, or substantially the same, as the window to be altered or replaced in the following respects—
    - (i) the manner in which the window is opened and closed,
    - (ii) the number, orientation and colour of the panes comprised in the window,
    - (iii) the dimensions and colour of the frame of the window or any astragal bars comprised in the window.
- (4) Development to which this paragraph applies is permitted by this class subject to the following conditions—
  - (a) the developer must, before beginning the development, apply to the planning authority for a determination as to whether the prior approval of the authority will be required in respect of the design and external appearance of the proposed alteration to or replacement window,
  - (b) the application is to be accompanied by a written description of the proposed development, the materials to be used and a plan indicating the site together with any fee required to be paid,
  - (c) the development is not to be commenced before the occurrence of one of the following—

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<sup>2</sup> In terms of section 26(2)(a) of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”) should the works to alter or replace an existing window only affect the interior of the building or would not materially affect the external appearance of the building those works would not for the purposes of the 1997 Act be taken to involve development

- (i) the receipt by the applicant from the planning authority of a written notice of their determination that such prior approval is not required,
- (ii) where the planning authority gives the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval,
- (iii) the expiry of 28 days following the date on which the application was received by the planning authority without the planning authority making any determination as to whether such approval is required or notifying the applicant of their determination,
- (d) the development must, except to the extent that the planning authority otherwise agree in writing, be carried out—
  - (i) where prior approval is required, in accordance with the details approved, or
  - (ii) where prior approval is not required, in accordance with the details submitted with the application, and
- (e) the development is to be carried out—
  - (i) where approval has been given by the planning authority, within a period of 3 years from the date on which approval was given,
  - (ii) in any other case, within a period of 3 years from the date on which the planning authority were given the information referred to in paragraph (3)(b).
- (5) In this class—
  - “principal elevation” means the elevation of the building which by virtue of its design or setting, or both, is the principal elevation,
  - “rear elevation” means the elevation of the building that is opposite its principal elevation,
  - “side elevation” means the elevation of the building linking the principal elevation with the rear elevation.

## **8. Installing Closed Circuit Television Cameras**

- 8.1 Class 72 extends PDR to include the installation, alteration or replacement on buildings or other structures (such as walls, fences or poles) of CCTV cameras for security purposes, subject to specified limits on size, numbers and positioning.
- 8.2 This class does not apply within conservation areas or National Scenic Areas. Nor does it give PDR to poles or other structures specially constructed to hold cameras; these still require planning consent.
- 8.3 Where CCTV cameras are being installed on a listed building or scheduled monument, they will continue to be subject to listed building consent and schedule monument consent procedures.
- 8.4 Up to 4 cameras are permitted on the same side of a building or structure and up to 16 cameras on any one building or structure, provided that they are at least 10 metres apart.
- 8.5 Each camera must be sited so as to minimise its effect on the external appearance of the building or structure and cameras should also be removed once they are no longer required for security purposes.
- 8.6 The field of vision of a camera should, so far as practicable, not extend beyond the boundaries of the land where it is sited or any adjoining land to which the public have access. Intrusion and inconvenience to neighbours should be limited so far as is practicable without compromising the camera's effectiveness for security purposes.

## Legislation

### Class 72.-

(1) The installation, alteration or replacement on any building or other structure of a closed circuit television camera for security purposes.

(2) Development is not permitted by this class if-

(a) the development is in a conservation area or a national scenic area;

(b) the dimensions of the camera including its housing exceed 75 centimetres by 25 centimetres by 25 centimetres;

(c) any part of the camera would, when installed, altered or replaced, be less than 250 centimetres above ground level;

(d) any part of the camera would, when installed, altered or replaced, protrude from the surface of the building or structure by more than one metre when measured from the surface of the building or structure;

(e) any part of the camera would, when installed, altered or replaced, be in contact with the surface of the building or structure at a point which is more than one metre from any other point of contact;

(f) any part of the camera would be less than 10 metres from any part of another camera installed on a building or structure;

(g) the development would result in the presence of more than four cameras on the same side of the building or structure; or

(h) the development would result in the presence of more than 16 cameras on the building or structure.

(3) Development is permitted by this class subject to the following conditions:-

(a) the camera shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building or structure on which it is situated;

(b) the camera shall be removed as soon as reasonably practicable after it is no longer required for security purposes;

(c) the field of vision of the camera shall, so far as practicable, not extend beyond the boundaries of the land upon which the building or structure is erected or of any area which adjoins that land and to which the public have access.

(4) For the purposes of this class-"camera", except in paragraph (2)(b), includes its housing, pan and tilt mechanism, infra red illuminator, receiver, mountings and brackets.



## **9. Glossary**

### **the 1992 Order**

the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended.

### **Advertisement**

any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction (excluding any such thing employed wholly as a memorial or as a railway signal), and includes any hoarding or similar structure or any balloon used or adapted for use and anything else used, or designed or adapted principally for use, for the display of advertisements.

### **Advertisement Consent**

a consent granted for the display of an advertisement by either the express consent of the planning authority or Scottish Ministers in accordance with the provisions of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 or deemed to be granted in accordance with part IV of the same regulations.

### **Air Quality Management Area**

has the meaning given in section 83(1) of the Environment Act 1995.

### **Article 4 Direction**

a direction, usually made by a planning authority and approved by Scottish Ministers, where in a particular area, particular permitted developments rights are not applicable.

### **ASHP**

air source heat pumps.

### **Astragals**

Astragals are bars which divide a window into multiple panes.

### **Balcony**

a platform, enclosed by a wall or balustrade, projecting outward from the external wall of a building, with access from an upper floor window or door.

### **Conservation Area**

an area of special architectural or historic interest [the character or appearance of which it is desirable to preserve or enhance] designated under section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

## **Conservation Area Consent**

consent required under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for demolition of an unlisted building within a conservation area.

## **Class**

a class of development to which permitted development rights apply because planning permission is granted by the 1992 Order.

## **Curtilage**

curtilage is not defined in the 1997 Act or 1992 Order but it is accepted to mean land which is used for the comfortable enjoyment of a building and which serves the purpose of that building in some necessary or reasonably useful way. It need not be marked off or enclosed in any way. Normally the curtilage would relate to the property boundary of the dwellinghouse.

## **Class 18B**

Class 18B of the GPDO. Class 18B allows the change of use of an agricultural building and associated curtilage to use as a dwelling and certain associated building operations to convert the building to that use.

## **Class 22A**

Class 22A of the GPDO. Class 22A allows the change of use of an agricultural building and associated curtilage to use as a dwelling and certain associated building operations to convert the building to that use.

## **Domestic microgeneration**

means the production of electricity or heat for domestic consumption using microgeneration equipment.

## **Dwellinghouse**

a residential property, not including a building containing one or more flats, or a flat contained within such a building.

## **Eaves height**

the height of the eaves should be measured at the base of the external wall of the extension to the point where the external wall would meet (if projected upwards) the upper surface of the roof slope. Parapet walls and overhanging parts of eaves should not be included in any calculation of eaves height.

## **Enlargement of dwellinghouses**

any development that increases the internal volume of the original dwellinghouse and includes a canopy or roof, with or without walls, which is attached to the dwellinghouse, but does not include a balcony.

### **Enlargement for flats**

means any development that increases the internal volume of the original building, and includes a canopy or roof, with or without walls, which is attached to the building but does not include a balcony.

### **Free-standing solar**

means solar photovoltaics or solar thermal equipment which is not installed on a building.

### **Free-standing wind turbine**

means a wind turbine which is not installed on a building.

### **Flat**

means a separate and self-contained set of premises whether or not on the same floor and forming part of building from some other part of which it is divided horizontally.

### **Fronts**

an elevation which faces onto a road.

### **General Permitted Development Order (GPDO)**

a statutory instrument granting permitted development rights.

### **Listed Building**

a building of special architectural or historic interest included in a list compiled or approved by the Scottish Ministers under section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, any object or structure fixed to the building or which, while not fixed, forms part of the land within its curtilage since before 1 July 1948 and still in that curtilage at the date of listing.

You can use the link - [Search for a Listed Building | Historic Environment Scotland](#)

### **Listed Building Consent**

consent required under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for demolition of a listed building, or alteration that would affect its character.

### **MCS Planning Standards**

the product and installation standards for air source heat pumps specified in the Microgeneration Certification Scheme MCS 020(a).

**MWT**

means micro wind turbines.

**Microgeneration**

has the meaning given in section 82(6) of the Energy Act 2004 which equipment with an output of up to 50 kilowatts of electricity or 45 kilowatts of thermal (heat) energy.

**Original dwellinghouse**

is the dwellinghouse as built or as it was on 1 July 1948 if it was built before then.

**Permitted Development Rights (PDR)**

permitted development rights are granted by the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. The 1992 Order grants planning permission for classes of specific types of developments, but most classes are subject to a set of limitations and conditions. The relevant pieces of legislation can be found on [the legislation website](#).

**Principal elevation**

the elevation of the original dwellinghouse which by virtue of its design or setting, or both, is the principal elevation.

**Rear curtilage of a tenement**

in relation to a tenement, means land which—

(a) pertains to two or more flats contained within the tenement, and

(b) is situated adjacent to the rear elevation of the tenement,

In this context, “rear elevation” means the elevation of the tenement that is opposite to its principal elevation, and “tenement” means a building containing one or more flats.

**Rear elevation**

the elevation of the original dwelling that is opposite its principal elevation.

**Road**

as defined by section 151 of the Roads (Scotland) Act 1984. A road is any way over which there is a public right of passage including its verge. A road is therefore not confined to only publicly adopted roads used by motor vehicles.

**Road Construction Consent**

a permission which must be obtained from the roads authority before constructing a new road or extending an existing road, in accordance with section 21 of the Roads (Scotland) Act 1984.

**Side elevation**

the elevation of the original dwelling linking the principal elevation with the rear elevation.

**Solar PV**

solar photovoltaics: which is equipment designed to convert energy from the sun into electricity.

**Solar thermal**

means equipment designed to heat water using energy from the sun.

**Terrace house**

means a dwellinghouse situated in a row of three or more buildings used, or designed for use, as single dwellinghouses; and having a mutual wall with, or having a main wall adjoining the main wall of, the dwellinghouse (or building designed for use as a dwellinghouse) on either side of it. It includes the dwellinghouses at each end of such a row of buildings as is referred to.

**the 1997 Act**

the Town and Country Planning (Scotland) Act 1997 as amended.

**the 2006 Act**

the Planning etc (Scotland) Act 2006.

**World Heritage Site**

land appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage.



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Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-83601-314-3 (web only)

Published by The Scottish Government, May 2024

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS1461018 (05/24)

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